

AMENDED IN SENATE APRIL 5, 1999

AMENDED IN SENATE MARCH 9, 1999

SENATE BILL

No. 240

Introduced by Senator Speier

January 26, 1999

An act to amend Section 30 of the Business and Professions Code, *to amend Sections 695.221, 708.730, 708.740, and 708.780 of the Code of Civil Procedure*, to amend Section ~~10003~~ 5246, 7552.5, 7571, 7572, 7573, 7574, 7575, 10003, and 10004 of, and to add Sections ~~10013~~ 3680.5, 4702, 5005, 7551.5, 7571.7, 10013, and 10014 to, the Family Code, to add Section 12003 to the Government Code, *to amend Sections 19271.6, 19272, and 19273 of*, and to add and repeal Section 19271.51 of, the Revenue and Taxation Code, to add Section 1088.8 to the Unemployment Insurance Code, and to amend Section 11350.6 ~~and 11478.5~~, 11355, 11475, 11475.1, 11475.2, 11475.4, 11475.5, 11475.8, 11476.6, 11478.5, 11478.51, 11478.6, 11479.5, 11479.7, 11481.5, 11486, 11487.5, and 11492.1 of, and to add ~~Section 11475.05~~ Sections 11350.10, 11475.05, 11475.10, 11475.11, 11475.12, 11475.13, 11475.6, 11475.7, 11478.3, 11478.52, and 11478.53 to, *to add Chapter 7.1 (commencing with Section 11495) to Division 9 of*, and to add and repeal Section 11350.11 of, the Welfare and Institutions Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

SB 240, as amended, Speier. Child support: enforcement: ~~family law facilitators~~.

~~(1) Existing~~

Existing law precludes state professional licensing agencies from issuing or renewing a license if the licensee is on a list, maintained by the district attorney, of persons who have not complied with support orders and precludes the Secretary of State from appointing or commissioning a notary public if the applicant is on that list.

This bill would require any board regulating a professional license, the State Bar, and the Department of Real Estate to require a licensee to provide the social security number of each individual listed on the license and any person who qualifies a license and would revise the definition of licensee for these purposes to include, for licenses issued to an entity that is not an individual person, any individual who is either listed on a license or who qualifies a license. Because the list of persons who have not complied with support orders would be expanded to include additional individuals, this bill would impose a state-mandated local program by increasing the duties of district attorneys.

~~(2) Existing~~

Existing law, known as the Family Law Facilitator Act, requires each superior court to maintain an office of the family law facilitator to provide specified services in actions or proceedings for temporary or permanent child support, spousal support, or health insurance. Those services include, but are not limited to, providing educational materials relating to those actions or proceedings.

This bill would require family law facilitators also to provide services in actions or proceedings for child custody or visitation, including providing educational materials relating to those proceedings. The bill would also provide that the family law facilitator shall not represent or have an attorney-client relationship with any party and that all communications between a family law facilitator, or all persons employed by or working with the facilitator, and the parties shall be confidential. The bill would require all persons employed by or working with the facilitator to sign a specified confidentiality agreement. By imposing new duties on court personnel, this bill would create a state-mandated local program.



The bill would also declare the Legislature's intent to increase funding for family law facilitators.

~~(3) Existing~~

Existing law imposes duties on the Department of Social Services, the Department of Justice, other state agencies, and county district attorneys with respect to child support orders being enforced under Title IV-D of the federal Social Security Act.

This bill would create, within the Governor's office, a Secretary of Statewide Child Support, who would have oversight and authority over all aspects of the enforcement of those orders.

~~(4) Existing~~

Existing law requires district attorneys enforcing child support obligations to refer child support delinquencies, as defined, to the Franchise Tax Board for collection and authorizes those district attorneys also to refer child support obligations that are not child support delinquencies to the Franchise Tax Board for collection.

This bill would establish a 2-year pilot project in Los Angeles County pursuant to which all child support obligations, whether delinquent or not, would be referred to the Franchise Tax Board for collection and the district attorney in that county would be relieved of all responsibility with respect to those cases, except as specified. The bill would require the State Auditor to monitor the pilot project and to provide a specified report and recommendations to the Legislature by April 1, 2002.

~~(5) Existing~~

Existing law requires each employer to file specified information with the Employment Development Department, including reporting the hiring of any employee who works in this state and to whom the employer anticipates paying wages. The implementing regulations provide that only employers in specified industrial classifications are required to report the hiring of employees and only when the employers have 5 or more employees employed concurrently.

This bill would require any "service recipient," as defined, who makes or is required to make a federal return relating to payments made to a "service provider," as defined, as

compensation for services rendered, and who contracts with the state, to provide to the department certain information for each service provider who will perform work on the state contract, as specified. This bill would also require each state agency that makes a state loan or awards a state grant to report to the department the loan or grant recipient's name, address, and social security number and the name of the recipient's employer for the same purpose and would require each applicant for a state loan or a state grant to sign an affidavit, as specified, regarding child support.

This bill would also require each state agency, including the California State University, to report the name and social security number of each contractor that contracts with the state agency to the Employment Development Department for inclusion in the state's new employee registry.

This bill would specify the time and method by which this information is to be submitted or transmitted and the length of time the Employment Development Department is to maintain this information.

This provision would become operative on July 1, 2000.

~~(6) Existing~~

Existing law designates the State Department of Social Services as the single organizational unit for administering the state plan for securing child and spousal support and requires each county to maintain a single organizational unit located in the district attorney's office having responsibility over child support obligations.

This bill would require all district attorneys to follow uniform, statewide processes and procedures, developed by the department, as specified, for customer service and complaint resolution. The bill would also require the courts in each county, in child support cases, to utilize uniform, statewide forms and procedures to be developed by the Judicial Council, as specified.

~~(7) Existing~~

Existing law requires the Department of Justice to maintain the California Parent Locator Service and Central Registry which collects and disseminates information, as specified, with respect to parents, putative parents, spouses, and former spouses. Existing law authorizes the California Parent Locator



Service and Central Registry to receive from cable television corporations and public utilities, to the extent permitted by federal law, customer service information, as specified.

This bill would require the service and registry to request and to receive from cable television corporations, providers of electronic digital pager communication, and providers of cellular telephone services, to the extent permitted by federal law, customer service information in accordance with provisions of existing law.

Existing law establishes procedures to be followed in entering a default judgment in cases involving the establishment of paternity or the determination of support obligations.

This bill would revise those procedures.

Existing law requires the State Department of Social Services to implement various procedures in the enforcement of child support obligations with respect to voluntary declarations of paternity.

This bill would transfer those responsibilities from the department to the Attorney General.

Existing law designates the State Department of Social Services as the single organizational unit with the duty to administer the state plan for securing child and spousal support and determination.

This bill would transfer that responsibility to the Attorney General, and would make conforming changes.

This bill would establish the Child Support Program Accountability Act of 1999, to be comprised of 3 components, the Child Support Program Performance Index, the Immediate Intervention/Underperforming Child Support Enforcement Program, and the Attorney General's High Achieving/Improving Child Support Enforcement Program, and would require the Attorney General to establish performance standards. The bill would impose a state-mandated local program by requiring counties that score in the bottom quartile of the state index to participate in the Immediate Intervention/Underperforming Child Support Enforcement Program, in which child support experts provide assistance in improving the county's

performance, and which provides for a review of the county child support enforcement performance.

The bill would require the Attorney General to contract with an independent contractor to prepare a comprehensive evaluation of the implementation, impact, costs, and benefits of the above performance evaluation and support programs.

This bill would require each district attorney to implement a dispute resolution process for support enforcement services, and would specify procedures to be followed by each district attorney in the dispute resolution process. By increasing the level of participation by county district attorneys in the support enforcement process, this bill would result in a state-mandated local program.

The bill would require the Attorney General to develop and issue statewide uniform forms and procedures for use by all district attorneys in their county dispute resolution process.

~~(8) The~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 30 of the Business and
2 Professions Code is amended to read:
3 30. (a) Notwithstanding any other provision of law,
4 any board, as defined in Section 22, and the State Bar and
5 the Department of Real Estate shall at the time of
6 issuance or renewal of the license require that any
7 licensee provide its federal employer identification

1 number if the licensee is a partnership or his or her social
2 security number for all others.

3 (b) Any licensee failing to provide the federal
4 identification number or social security number shall be
5 reported by the licensing board to the Franchise Tax
6 Board and, if failing to provide after notification pursuant
7 to paragraph (1) of subdivision (b) of Section 19528 of the
8 Revenue and Taxation Code, shall be subject to the
9 penalty provided in paragraph (2) of subdivision (b) of
10 Section 19528 of the Revenue and Taxation Code.

11 (c) In addition to the penalty specified in subdivision
12 (b), a licensing board may not process any application for
13 an original license or for renewal of a license unless the
14 applicant or licensee provides its federal employer
15 identification number or social security number where
16 requested on the application.

17 (d) A licensing board shall, upon request of the
18 Franchise Tax Board, furnish to the Franchise Tax Board
19 the following information with respect to every licensee:

20 (1) Name.

21 (2) Address or addresses of record.

22 (3) Federal employer identification number if the
23 entity is a partnership or social security number for all
24 others.

25 (4) Type of license.

26 (5) Effective date of license or a renewal.

27 (6) Expiration date of license.

28 (7) Whether license is active or inactive, if known.

29 (8) Whether license is new or a renewal.

30 (e) For the purposes of this section:

31 (1) "Licensee" means any entity, other than a
32 corporation, authorized by a license, certificate,
33 registration, or other means to engage in a business or
34 profession regulated by this code or referred to in Section
35 1000 or 3600.

36 (2) "License" includes a certificate, registration, or
37 any other authorization needed to engage in a business or
38 profession regulated by this code or referred to in Section
39 1000 or 3600.

1 (3) “Licensing board” means any board, as defined in
2 Section 22, the State Bar, and the Department of Real
3 Estate.

4 (f) The reports required under this section shall be
5 filed on magnetic media or in other machine-readable
6 form, according to standards furnished by the Franchise
7 Tax Board.

8 (g) Licensing boards shall provide to the Franchise
9 Tax Board the information required by this section at a
10 time that the Franchise Tax Board may require.

11 (h) Notwithstanding Chapter 3.5 (commencing with
12 Section 6250) of Division 7 of Title 1 of the Government
13 Code, the social security number and federal employer
14 identification number furnished pursuant to this section
15 shall not be deemed to be a public record and shall not be
16 open to the public for inspection.

17 (i) Any deputy, agent, clerk, officer, or employee of
18 any licensing board described in subdivision (a), or any
19 former officer or employee or other individual who in the
20 course of his or her employment or duty has or has had
21 access to the information required to be furnished under
22 this section, may not disclose or make known in any
23 manner that information, except as provided in this
24 section to the Franchise Tax Board or as provided in
25 subdivision (k).

26 (j) It is the intent of the Legislature in enacting this
27 section to utilize the social security account number or
28 federal employer identification number for the purpose
29 of establishing the identification of persons affected by
30 state tax laws and for purposes of compliance with Section
31 11350.6 of the Welfare and Institutions Code and, to that
32 end, the information furnished pursuant to this section
33 shall be used exclusively for those purposes.

34 (k) If the board utilizes a national examination to issue
35 a license, and if a reciprocity agreement or comity exists
36 between the State of California and the state requesting
37 release of the social security number, any deputy, agent,
38 clerk, officer, or employee of any licensing board
39 described in subdivision (a) may release a social security

number to an examination or licensing entity, only for the purpose of verification of licensure or examination status.

(l) For the purposes of enforcement of Section 11350.6 of the Welfare and Institutions Code, and notwithstanding any other provision of law, any board, as defined in Section 22, and the State Bar and the Department of Real Estate shall at the time of issuance or renewal of the license require that each licensee provide the social security number of each individual listed on the license and any person who qualifies the license. For the purposes of this subdivision, “licensee” means any entity that is issued a license by any board, as defined in Section 22, the State Bar, the Department of Real Estate, and the Department of Motor Vehicles.

SEC. 2. *Section 695.221 of the Code of Civil Procedure is amended to read:*

695.221. Satisfaction of a money judgment for support shall be credited as follows:

(a) The money shall first be credited against the current month’s support.

(b) Any remaining money is next to be credited against the accrued interest that remains unsatisfied.

(c) Any remaining money shall be credited against the principal amount of the judgment remaining unsatisfied. If the judgment is payable in installments, the remaining money shall be credited against the matured installments in the order in which they matured.

(d) In cases enforced pursuant to Part D (commencing with Section 651) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code, if a lump-sum payment is collected from a support obligor who has money judgments for support owing to more than one family, after the implementation of the Statewide Automated Child Support System, or its replacement, and the interface system between the Statewide Automated Child Support Enforcement System, or its replacement, and the Los Angeles County Automated Child Support Enforcement System (ACSES Replacement System), all support collected shall be

1 distributed pursuant to guidelines developed by the ~~State~~
2 ~~Department of Social Services~~ *Attorney General*.

3 (e) Notwithstanding subdivisions (a), (b), and (c), a
4 collection received as a result of a federal tax refund offset
5 shall first be credited against the interest and then the
6 principal amount of past due support that has been
7 assigned to the state pursuant to Section 11477 of the
8 Welfare and Institutions Code and federal law prior to the
9 interest and then principal amount of any other past due
10 support remaining unsatisfied.

11 (f) If federal law does not permit states to adopt the
12 same order of distribution for the pre- and post-assistance
13 child support arrears effective October 1, 1998, the
14 following shall be the order of distribution of child
15 support collections through September 30, 2000, except
16 for federal tax refund offset collections, for child support
17 received for families and children who are former
18 recipients of Aid to Families with Dependent Children
19 (AFDC) program benefits or former recipients of
20 Temporary Assistance for Needy Families (TANF)
21 program benefits:

22 (1) The money shall first be credited against the
23 current month's support.

24 (2) Any remaining money shall next be credited
25 against interest that accrued on arrearages owed to the
26 family or children since leaving the AFDC program or
27 the TANF program and then such arrearages.

28 (3) Any remaining money shall next be credited
29 against interest that accrued on arrearages owed during
30 the time the family or children received benefits under
31 the AFDC program or the TANF program and then such
32 arrearages.

33 (4) Any remaining money shall next be credited
34 against interest that accrued on arrearages owed to the
35 family or children prior to receiving benefits from the
36 AFDC program or the TANF program and then such
37 arrearages.

38 (g) If federal law does permit states to adopt the same
39 order of distribution for the pre- and post-assistance child
40 support arrears effective October 1, 1998, or effective

1 October 1, 2000, whichever comes first, the following shall
2 be the order of distribution of child support collections,
3 except for federal tax refund offset collections, for child
4 support received for families and children who are
5 former recipients of AFDC program benefits or former
6 recipients of TANF program benefits:

7 (1) The money shall first be credited against the
8 current month's support.

9 (2) Any remaining money shall next be credited
10 against interest that accrued on arrearages owed to the
11 family or children since leaving the AFDC program or
12 the TANF program and then such arrearages.

13 (3) Any remaining money shall next be credited
14 against interest that accrued on arrearages owed to the
15 family or children prior to receiving benefits from the
16 AFDC program or the TANF program and then such
17 arrearages.

18 (4) Any remaining money shall next be credited
19 against interest that accrued on arrearages owed during
20 the time the family or children received benefits under
21 the AFDC program or the TANF program and then such
22 arrearages.

23 *SEC. 3. Section 708.730 of the Code of Civil Procedure*
24 *is amended to read:*

25 708.730. (a) If money is owing and unpaid to the
26 judgment debtor by a public entity, the judgment
27 creditor may file, in the manner provided in this article,
28 an abstract of the money judgment or a certified copy of
29 the money judgment, together with an affidavit that
30 states that the judgment creditor desires the relief
31 provided by this article and states the exact amount then
32 required to satisfy the judgment. The judgment creditor
33 may state in the affidavit any fact tending to establish the
34 identity of the judgment debtor.

35 (b) Promptly after filing the abstract or certified copy
36 of the judgment and the affidavit with the public entity,
37 the judgment creditor shall serve notice of the filing on
38 the judgment debtor. Service shall be made personally or
39 by mail.

1 (c) If the judgment is for support and related costs and
2 money is owing and unpaid to the judgment debtor by a
3 state agency, including, but not limited to, money owing
4 and unpaid to the judgment debtor by a state agency on
5 a claim for refund from the Franchise Tax Board under
6 the Personal Income Tax Law, Part 10 (commencing with
7 Section 17001) of Division 2 of the Revenue and Taxation
8 Code, or the Bank and Corporation Tax Law, Part 11
9 (commencing with Section 23001) of Division 2 of the
10 Revenue and Taxation Code, and the district attorney is
11 enforcing the support obligation pursuant to Section
12 11475.1 of the Welfare and Institutions Code, the claim
13 may be submitted as follows: The district attorney may
14 file the affidavit referred to in subdivision (a) without
15 filing an abstract or certified copy of the judgment. In lieu
16 thereof, the affidavit shall also state that an abstract of the
17 judgment could be obtained. Where there is more than
18 one judgment debtor, the district attorney may include
19 all the judgment debtors in a single affidavit. Separate
20 affidavits need not be submitted for each judgment
21 debtor. The affidavit need not on its face separately
22 identify each judgment debtor or the exact amount
23 required to satisfy the judgment, so long as it incorporates
24 by reference forms or other automated data transmittals,
25 as required by the ~~State Department of Social Services~~
26 *Attorney General*, which contain this information.
27 Affidavits submitted pursuant to this subdivision by the
28 district attorney shall meet the standards and procedures
29 prescribed by the state agency to which the affidavit is
30 submitted, except that those affidavits submitted with
31 respect to moneys owed and unpaid to the judgment
32 debtor as a result of a claim for refund from the Franchise
33 Tax Board under the Personal Income Tax Law, Part 10
34 (commencing with Section 17001) of Division 2 of the
35 Revenue and Taxation Code, or the Bank and
36 Corporation Tax Law, Part 11 (commencing with Section
37 23001) of Division 2 of the Revenue and Taxation Code,
38 shall meet the standards and procedures prescribed by
39 the Franchise Tax Board.



In serving the notice required by subdivision (b), the ~~Director of the State Department of Social Services~~ *Attorney General* or his or her designee may act in lieu of the judgment creditor as to judgments enforced under this division.

(d) If the judgment is for child, spousal, or family support and related costs and money is owing and unpaid to the judgment debtor by a state agency on a claim for refund from the Franchise Tax Board under the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code, or as a result of the judgment debtor's winnings in the California State Lottery, the judgment creditor may file with the court an abstract or a certified copy of the judgment ordering the payment of child, spousal, or family support, together with a request that the court issue a Notice of Support Arrearage, as provided in Section 708.780, to which any personal income tax refunds and lottery winnings owed the judgment debtor by the State of California will be subject. The request shall be accompanied by an affidavit, signed under penalty of perjury, which shall state that the judgment creditor desires the relief provided by this subdivision and shall state the exact amount then required to satisfy the judgment. In addition, the affidavit shall specify the beginning and ending dates of all periods during which the arrearage for support occurred, specify the arrearage for each month, and state that the support is at least 90 days overdue or is overdue in an amount equal to 90 days of support. It shall also certify that the child or children are not recipients, and during the period for which payment is requested, were not recipients, of Aid to Families with Dependent Children and there was no assignment to a state or county agency of support and shall certify on information and belief that there is not current or past action by a district attorney pending for support or support enforcement on the judgment creditor's behalf.

1 The request shall have attached a proof of service
2 showing that copies of the request, the affidavit, and the
3 abstract or certified copy of the judgment ordering the
4 payment of support have been served on the judgment
5 debtor and the district attorney of the county in which
6 the support judgment is entered. Service shall be by
7 certified mail, postage prepaid, return receipt requested,
8 to the last known address of the party to be served, or by
9 personal service.

10 This subdivision does not apply in any instance in which
11 a district attorney initiated or participated as counsel in
12 the action for support or if support is required to be paid
13 through a district attorney's office.

14 The ~~State Department of Social Services~~ *Attorney*
15 *General* shall, upon request, inform the Legislature of the
16 use and effect of this subdivision on or before December
17 31, 2000.

18 This subdivision shall become operative on January 1,
19 1996, and shall become inoperative on December 31,
20 2000.

21 (e) For purposes of this section, "support" means an
22 obligation owing on behalf of a child, spouse, or family, or
23 combination thereof.

24 *SEC. 4. Section 708.740 of the Code of Civil Procedure*
25 *is amended to read:*

26 708.740. (a) Except as provided in subdivision (e), if
27 money is owing and unpaid to the judgment debtor by a
28 state agency, the judgment creditor shall file the abstract
29 or certified copy of the judgment and the affidavit with
30 the state agency owing the money to the judgment
31 debtor prior to the time the state agency presents the
32 claim of the judgment debtor to the Controller. Where
33 the affidavit is prepared under subdivision (c) of Section
34 708.730, the affidavit shall be filed with the ~~State~~
35 ~~Department of Social Services~~ *Attorney General*, and no
36 abstract need be filed. Filing of the affidavit with the
37 ~~department~~ *Attorney General* shall be sufficient to
38 require the Controller to transfer the funds claimed by
39 the judgment debtor, notwithstanding that the claim of

1 the judgment debtor has been filed with another state
2 agency.

3 (b) When presenting the claim of the judgment
4 debtor to the Controller, the state agency shall do all of
5 the following:

6 (1) Note the fact of the filing of the abstract or certified
7 copy of the judgment and the affidavit.

8 (2) State the amount required to satisfy the judgment
9 as shown by the affidavit.

10 (3) State any amounts advanced to the judgment
11 debtor by the state, or owed by the judgment debtor to
12 the state, for expenses or for any other purpose.

13 (c) Except as provided in subdivisions (d) and (e), to
14 discharge the claim of the judgment debtor, the
15 Controller shall (1) deposit with the court, by a warrant
16 or check payable to the court, the amount due the
17 judgment debtor (after deducting an amount sufficient
18 to reimburse the state for any amounts advanced to the
19 judgment debtor or owed by the judgment debtor to the
20 state) required to satisfy the money judgment as shown
21 by the affidavit in full or to the greatest extent and (2) pay
22 the balance thereof, if any, to the judgment debtor.

23 (d) Where an affidavit stating the existence of a
24 judgment for support has been submitted to the ~~State~~
25 ~~Department of Social Services~~ *Attorney General*,
26 pursuant to subdivision (c) of Section 708.730, to
27 discharge the claim of a judgment debtor, the Controller
28 shall direct payment to the county agency designated by
29 the district attorney in his or her affidavit.

30 (e) Where the judgment is for support and the money
31 owed is for lottery winnings or a refund of overpayment
32 of tax, penalty, interest, or interest allowable with respect
33 to an overpayment under Part 10 (commencing with
34 Section 17001) of Division 2 of the Revenue and Taxation
35 Code, and the support obligation is not being enforced
36 pursuant to Section 11475.1 of the Welfare and
37 Institutions Code, the judgment creditor may file the
38 abstract or certified copy of the judgment with the
39 district attorney of the county in which the support
40 judgment is entered or registered. The district attorney

1 shall then file the claim of the judgment creditor pursuant
2 to subdivision (c) of Section 708.730. When funds are
3 received by the district attorney he or she shall discharge
4 any claim of the judgment debtor by forwarding those
5 sums to the clerk of the court pursuant to subdivision (c)
6 of this section. Any and all notices otherwise required of
7 a judgment creditor or the clerk of the court, and any
8 litigation to enforce rights under this subdivision shall be
9 the responsibility of the judgment creditor, the same as
10 if service had been directly on the Controller without the
11 intervention of the district attorney.

12 (f) Where the claim of the judgment debtor is less than
13 ten dollars (\$10) and the claim of the judgment creditor
14 arises under an affidavit filed pursuant to subdivision (c)
15 of Section 708.730, the Controller may disregard the claim
16 of the judgment creditor and forward any and all sums
17 due to the judgment debtor. In the event that there is
18 more than one claimant for a refund, the Franchise Tax
19 Board shall have discretion in allocating the overpayment
20 among claimants.

21 (g) Should two or more district attorneys submit
22 claims on behalf of a judgment creditor, the Controller in
23 his or her discretion may select which claim or claims he
24 or she shall honor.

25 (h) Any claims which are honored in behalf of a
26 judgment creditor shall be considered as refunds of tax
27 overpayments to the judgment debtor.

28 (i) For purposes of this section, “support” means an
29 obligation owing on behalf of a child, spouse, or family, or
30 combination thereof.

31 *SEC. 5. Section 708.780 of the Code of Civil Procedure*
32 *is amended to read:*

33 708.780. (a) Filing of the abstract or certified copy of
34 the judgment and the affidavit pursuant to this article
35 creates a lien on the money owing and unpaid to the
36 judgment debtor by the public entity in an amount equal
37 to that which may properly be applied to the satisfaction
38 of the money judgment under this article.

39 (b) When an affidavit is filed pursuant to subdivision
40 (c) of Section 708.730, it shall apply to all claims for refund

1 from the Franchise Tax Board under the Personal Income
2 Tax Law, Part 10 (commencing with Section 17001) of
3 Division 2 of the Revenue and Taxation Code, or the Bank
4 and Corporation Tax Law, Part 11 (commencing with
5 Section 23001) of Division 2 of the Revenue and Taxation
6 Code, which the judgment debtor subsequently claims
7 during a period one year after filing of the affidavit, or
8 October 1 of the year following the filing of the affidavit,
9 whichever occurs later, the same as if claims for these
10 overpayments were filed by the judgment debtor with
11 the appropriate state agency on the date the affidavit was
12 filed.

13 (c) When a request is filed pursuant to subdivision (d)
14 of Section 708.730 with the court, the clerk of the court
15 shall issue a Notice of Support Arrearage. The clerk of the
16 court shall issue the notice 30 days after the request was
17 filed pursuant to subdivision (d) of Section 708.730
18 without a hearing if no objection has been raised by the
19 judgment debtor pursuant to this subdivision. If an
20 objection has been raised, the notice shall not be ordered
21 until after a hearing. The notice shall contain the name
22 of the person ordered to pay support and his or her social
23 security number; the amount of the arrearage
24 determined by the court; whether the arrearage is for
25 child, spousal, or family support and the specific
26 combination thereof; a statement of how the recipient
27 may challenge the statement of arrearage; and the name,
28 address, and social security number of the person to
29 whom the arrearage is owed. Upon the clerk of the court
30 issuing the Notice of Support Arrearage, a copy of the
31 request, the affidavit, and the notice shall be served by
32 the party who requested the court to issue the Notice of
33 Support Arrearage upon the person ordered to pay
34 support and the Controller. Service may be personal, in
35 accordance with Section 1011, or by mail, in accordance
36 with Section 1013. Service upon the Controller shall be at
37 the Controller's office in Sacramento.

38 The judgment debtor may object to the request or
39 affidavit upon any of the following grounds: (1) there is
40 an error in the amount of the arrearage stated in the

1 affidavit; (2) the alleged judgment debtor is not the
2 judgment debtor from whom the support is due; (3) the
3 amount to be intercepted exceeds that allowable under
4 federal law; (4) a default in payment of the support for
5 30 days has not occurred; or (5) other necessary factual
6 allegations contained in the affidavit are erroneous.

7 Upon receipt of the Notice of Support Arrearage, the
8 Controller shall take reasonable measures to deduct from
9 any personal income tax refunds and lottery winnings
10 owed and processed for payment to the judgment debtor
11 and deposit with the court a warrant, subject to Sections
12 708.770 and 708.775, with service of a copy of the warrant
13 upon the district attorney of the county in which the
14 support judgment is entered, payable to the court, the
15 amount due the judgment creditor (after deducting an
16 amount sufficient to reimburse the state for any amounts
17 advanced to the judgment debtor or owed by the
18 judgment debtor to the state) required to satisfy the
19 money judgment as shown by the affidavit in full or to the
20 greatest extent, and pay the balance thereof, if any, to the
21 judgment debtor. At any hearing pursuant to Section
22 708.770, the judgment debtor may challenge the
23 distribution of these funds on exemption or other
24 grounds, including, but not limited to, an allegation that
25 the judgment has been satisfied or that service was
26 improper. The notice shall not apply to any money which
27 is exempt by law from execution. The Controller shall
28 determine the cost of enforcing the notice and may
29 establish a notice filing fee not to exceed five dollars (\$5).

30 Service of the Notice of Support Arrearage and of the
31 request and affidavit pursuant to this subdivision creates
32 a lien on the money owing and unpaid to the judgment
33 debtor which shall become effective 30 days following
34 service upon the Controller. This notice shall remain in
35 effect for four years from the date of its issuance or until
36 the arrearage for which the notice was issued is satisfied,
37 whichever occurs first.

38 Any person who files a request with the court to issue
39 a Notice of Support Arrearage pursuant to subdivision (d)
40 of Section 708.730 shall notify the court and the Controller

1 of any satisfaction of the arrearage after the Notice of
2 Support Arrearage has been issued by the clerk of the
3 court. The notice to the court and the Controller shall be
4 filed with the court and the Controller and served upon
5 the district attorney of the county in which the support
6 judgment is entered within 30 days of the satisfaction or
7 discharge and shall show a partial or full satisfaction of the
8 arrearage or any other resolution of the arrearage.

9 Upon filing and service, the Notice of Support
10 Arrearage shall be of no force and effect.

11 ~~The State Department of Social Services Attorney~~
12 ~~General~~ shall, upon request, inform the Legislature of the
13 use and effect of this subdivision on or before December
14 31, ~~2000~~ 2001.

15 This subdivision shall become operative on January 1,
16 1996, and shall become inoperative on December 31, ~~2000~~
17 2001.

18 (d) For purposes of this section, “support” means an
19 obligation owing on behalf of a child, spouse, or family, or
20 combination thereof.

21 *SEC. 6. Section 3680.5 is added to the Family Code, to*
22 *read:*

23 *3680.5. The district shall monitor child support cases*
24 *and seek modifications, when needed.*

25 *SEC. 7. Section 4702 is added to the Family Code, to*
26 *read:*

27 *4702. The Attorney General shall seek federal*
28 *funding for electronic storage of existing child support*
29 *case documents. This storage may include the scanned*
30 *original documents or other appropriate electronic*
31 *storage methods. When funding is available, the Attorney*
32 *General shall report the fact to the appropriate*
33 *committees of the Legislature and shall include in that*
34 *report his or her recommendations as to the best method*
35 *to reduce the amount of hard copy documents on existing*
36 *child support cases and to increase the availability of this*
37 *information without compromising confidentiality.*

38 *SEC. 8. Section 5005 is added to the Family Code, to*
39 *read:*

1 5005. When the Attorney General is satisfied that
2 reciprocal provisions will be made by a foreign
3 jurisdiction for the establishment of support orders for
4 obligees in California, or for enforcement of support
5 orders made within this state, the Attorney General may
6 declare the foreign jurisdiction to be a reciprocating state
7 for purposes of establishing and enforcing support
8 obligations. Any such declaration may be revoked by the
9 Attorney General. Any such declaration may be reviewed
10 by the court in an action brought to support a support
11 order, or to enforce the order of a reciprocating
12 jurisdiction.

13 SEC. 9. Section 5246 of the Family Code is amended
14 to read:

15 5246. (a) This section applies only to Title IV-D cases
16 where support enforcement services are being provided
17 by the district attorney pursuant to Section 11475.1 of the
18 Welfare and Institutions Code.

19 (b) In lieu of an earnings assignment order, the district
20 attorney may serve on the employer a notice of
21 assignment in the manner specified in Section 5232. A
22 notice of assignment shall have the same force and effect
23 as an earnings assignment order.

24 (c) The notice of assignment shall contain, at a
25 minimum, the following information:

26 (1) The amount of current support ordered by the
27 court.

28 (2) Any additional amount to be withheld and applied
29 to arrearages.

30 (3) The date of the most recent support order.

31 (4) The name and address of the district attorney to
32 whom the support is to be paid or the Child Support
33 Centralized Collection and Distribution Unit.

34 (5) The amount of arrearages and the date through
35 which the arrearages have been calculated, and a
36 statement as to whether or not the arrearages include
37 interest.

38 (6) Instructions to the employer on how to comply
39 with the notice of assignment.

(7) A written statement of the obligor's rights under the law to seek to quash or modify the notice of assignment, together with a blank form which the obligor can file with the court to request a hearing to modify or quash the assignment with instructions on how to file the form and obtain a hearing date.

(8) *The toll-free telephone number of the district attorney for the employer to call if he or she has questions.*

(d) If the underlying court order for support does not provide for an arrearage payment, or if an additional arrearage accrues after the date of the court order for support, the district attorney may send a notice of assignment directly to the employer which specifies the updated arrearage amount and directs the employer to withhold an additional amount not to exceed 3 percent of the arrearage or fifty dollars (\$50), whichever is greater, to be applied towards liquidation of the arrearages.

(e) Within 10 days of service of the notice of assignment, the employer shall deliver both of the following to the obligor:

(1) A copy of the notice of assignment.

(2) The form to request a hearing described in paragraph (7) of subdivision (c).

(f) If the obligor requests a hearing, a hearing date shall be scheduled within 20 days of the filing of the request with the court. The clerk of the court shall provide notice of the hearing to the district attorney and the obligor no later than 10 days prior to the hearing.

(1) If at the hearing the obligor establishes that he or she is not the obligor or good cause or an alternative arrangement as provided in Section 5260, the court may order that service of the notice of assignment be quashed. If the court quashes service of the notice of assignment, the district attorney shall notify the employer within 10 days.

(2) If the obligor contends at the hearing that the payment of arrearages at the rate specified in this section is excessive or that the total arrearages owing is incorrect, and if it is determined that payment of the arrearages at the rate specified in this section creates an undue

1 hardship upon the obligor or that the withholding would
2 exceed the maximum amount permitted by Section
3 1673(b) of Title 15 of the United States Code Annotated,
4 the rate at which the arrearages must be paid shall be
5 reduced to a rate that is fair and reasonable considering
6 the circumstances of the parties and the best interest of
7 the child. If it is determined at a hearing that the total
8 amount of arrearages calculated is erroneous, the court
9 shall modify the amount calculated to the correct
10 amount. If the court modifies the total amount of
11 arrearages owed or reduces the monthly payment due on
12 the arrearages, the district attorney shall serve the
13 employer with an amended notice of assignment within
14 10 days.

15 (g) If an obligor's current support obligation has
16 terminated by operation of law, the district attorney may
17 serve a notice of assignment on the employer which
18 directs the employer to continue withholding from the
19 obligor's earnings an amount not to exceed the current
20 support order that was in effect or 3 percent of the total
21 support arrearages including interest, whichever is
22 greater, until such time that the employer is notified by
23 the district attorney that the arrearages have been paid
24 in full. The employer shall provide the obligor with the
25 same documents as provided in subdivision (e). The
26 obligor shall be entitled to the same rights to a hearing as
27 specified in subdivision (f).

28 (h) The district attorney shall retain a copy of the
29 notice of assignment and shall file a copy with the court
30 whenever a hearing concerning the notice of assignment
31 is requested.

32 (i) Nothing in this section prohibits the district
33 attorney from seeking a payment on arrearages which is
34 greater than the amount specified in this section. The
35 district attorney may seek a higher payment on
36 arrearages by filing an ex parte application with the court.

37 (j) The district attorney may transmit a notice of
38 earnings assignment and other forms required by this
39 section to the employer through electronic means.



1 *SEC. 10. Section 7551.5 is added to the Family Code,*
2 *to read:*

3 *7551.5. All hospitals, district attorneys, welfare offices,*
4 *and family courts shall facilitate genetic tests for purposes*
5 *of enforcement of this chapter. This may include having*
6 *a health care professional available for purposes of*
7 *extracting samples to be used for genetic testing.*

8 *SEC. 11. Section 7552.5 of the Family Code is*
9 *amended to read:*

10 7552.5. (a) A copy of the results of all genetic tests
11 performed under Section 7552 or 7558 shall be served
12 upon all parties, by any method of service authorized
13 under Chapter 5 (commencing with Section 1010) of
14 Title 14 of Part 2 of the Code of Civil Procedure except
15 personal service, no later than 20 days prior to any
16 hearing in which the genetic test results may be admitted
17 into evidence. The genetic test results shall be
18 accompanied by a declaration under penalty of perjury
19 of the custodian of records or other qualified employee of
20 the laboratory that conducted the genetic tests, stating in
21 substance each of the following:

22 (1) The declarant is the duly authorized custodian of
23 the records or other qualified employee of the laboratory,
24 and has authority to certify the records.

25 (2) A statement which establishes in detail the chain
26 of custody of all genetic samples collected, including the
27 date on which the genetic sample was collected, the
28 identity of each person from whom a genetic sample was
29 collected, the identity of the person who performed or
30 witnessed the collecting of the genetic samples and
31 packaged them for transmission to the laboratory, the
32 date on which the genetic samples were received by the
33 laboratory, the identity of the person who unpacked the
34 samples and forwarded them to the person who
35 performed the laboratory analysis of the genetic sample,
36 and the identification and qualifications of all persons
37 who performed the laboratory analysis and published the
38 results.

39 (3) A statement which establishes that the procedures
40 used by the laboratory to conduct the tests for which the

1 test results are attached are used in the laboratory's
2 ordinary course of business to ensure accuracy and
3 proper identification of genetic samples.

4 (4) The genetic test results were prepared at or near
5 the time of completion of the genetic tests by personnel
6 of the business qualified to perform genetic tests in the
7 ordinary course of business.

8 (b) The genetic test results shall be admitted into
9 evidence at the hearing or trial to establish paternity,
10 without the need for foundation testimony of
11 authenticity and accuracy, unless a written objection to
12 the genetic test results is filed with the court and served
13 on all other parties, by any party no later than five days
14 prior to the hearing or trial where paternity is at issue.

15 (c) If a written objection is filed by the court and
16 served on all parties within the time specified in
17 subdivision (b), experts appointed by the court shall be
18 called by the court as witnesses to testify to their findings
19 and are subject to cross-examination by the parties.

20 (d) *If a genetic test indicates the paternity of the*
21 *alleged father, the copy of the results mailed under*
22 *subdivision (a) shall be accompanied with a voluntary*
23 *declaration of paternity form, information prepared*
24 *according to Section 7572, and the toll-free telephone*
25 *number created under Section 11475.7 of the Welfare and*
26 *Institutions Code.*

27 SEC. 12. *Section 7571 of the Family Code is amended*
28 *to read:*

29 7571. (a) On and after January 1, 1995, upon the
30 event of a live birth, prior to an unmarried mother
31 leaving any hospital, the person responsible for
32 registering live births under Section 102405 of the Health
33 and Safety Code shall provide to the natural mother and
34 shall attempt to provide, at the place of birth, to the man
35 identified by the natural mother as the natural father, a
36 voluntary declaration of paternity together with the
37 written materials described in Section 7572. The person
38 responsible for registering the birth shall forward the
39 completed declaration to the ~~State Department of Social~~
40 ~~Services~~ Attorney General, and, if requested, shall

1 transmit a copy of the declaration to the district attorney
2 of the county where the birth occurred. A copy of the
3 declaration shall be made available to each of the
4 attesting parents.

5 (b) No health care provider shall be subject to any
6 civil, criminal, or administrative liability for any negligent
7 act or omission relative to the accuracy of the information
8 provided, or for filing the declaration with the
9 appropriate state or local agencies.

10 (c) The district attorney shall pay the sum of ten
11 dollars (\$10) to birthing hospitals and other entities that
12 provide prenatal services for each completed declaration
13 of paternity that is filed with the ~~State Department of~~
14 ~~Social Services Attorney General~~, provided that the
15 district attorney and the hospital or other entity
16 providing prenatal services has entered into a written
17 agreement that specifies the terms and conditions for the
18 payment as required by federal law.

19 (d) If the declaration is not registered by the person
20 responsible for registering live births at the hospital, it
21 may be completed by the attesting parents, notarized,
22 and mailed to the ~~State Department of Social Services~~
23 ~~Attorney General~~ at any time after the child's birth.

24 (e) Prenatal clinics ~~may~~ *shall* offer prospective parents
25 the opportunity to sign a voluntary declaration of
26 paternity. In order to be paid for their services as
27 provided in subdivision (c), prenatal clinics must ensure
28 that the form is witnessed and forwarded to the ~~State~~
29 ~~Department of Social Services Attorney General~~.

30 (f) Declarations shall be made available without
31 charge at all district attorney offices, offices of local
32 registrars of births and deaths, courts, and county welfare
33 departments within this state. Staff in these offices shall
34 witness the signatures of parents wishing to sign a
35 voluntary declaration of paternity and shall be
36 responsible for forwarding the signed declaration to the
37 ~~State Department of Social Services Attorney General~~.

38 (g) The ~~district attorney~~ *Attorney General* may, at his
39 or her option, pay the sum of ten dollars (\$10) to local
40 registrars of births and deaths, county welfare

1 departments, or courts for each completed declaration of
2 paternity that is witnessed by staff in these offices and
3 filed with the ~~State Department of Social Services~~
4 *Attorney General*. In order to receive payment, the
5 ~~district attorney~~ *Attorney General* and the entity shall
6 enter into a written agreement that specifies the terms
7 and conditions for payment as required by federal law.
8 The ~~State Department of Social Services~~ *Attorney*
9 *General* shall study the effect of the ten dollar (\$10)
10 payment on obtaining completed voluntary declaration
11 of paternity forms and shall report to the Legislature on
12 any recommendations to change the ten dollar (\$10)
13 optional payment, if appropriate, by January 1, 2000.

14 (h) The ~~State Department of Social Services~~ *Attorney*
15 *General* and district attorneys shall publicize the
16 availability of the declarations. The district attorney shall
17 make the declaration, together with the written materials
18 described in subdivision (a) of Section 7572, available
19 upon request to any parent *and any agency or*
20 *organization that is required to offer parents the*
21 *opportunity to sign a voluntary declaration of paternity.*
22 The district attorney shall also provide qualified staff to
23 answer parents' questions regarding the declaration and
24 the process of establishing paternity.

25 (i) Copies of the declaration filed with the ~~State~~
26 ~~Department of Social Services~~ *Attorney General* shall be
27 made available only to the parents, the child, the district
28 attorney, the county welfare department, the county
29 counsel, and the ~~State Department of Social Services~~
30 *Attorney General*.

31 (j) *Publicly funded or licensed health clinics, pediatric*
32 *offices, Head Start programs, child care centers, social*
33 *services providers, prisons, and schools shall offer parents*
34 *the opportunity to sign a voluntary declaration of*
35 *paternity. In order to be paid for their services as*
36 *provided in subdivision (c), publicly funded or licensed*
37 *health clinics, pediatric offices, Head Start programs,*
38 *child care centers, social services providers, prisons, and*
39 *schools shall ensure that the form is witnessed and*
40 *forwarded to the Attorney General.*

(k) Any agency or organization required to offer parents the opportunity to sign a voluntary declaration of paternity shall also identify parents who are willing to sign, but were unavailable when the child was born. The organization shall then contact these parents within 10 days and again offer the parent the opportunity to sign a voluntary declaration of paternity.

SEC. 13. Section 7571.7 is added to the Family Code, to read:

7571.7. The Attorney General shall monitor the implementation of this chapter, and, in consultation with district attorneys, nonprofit child support advocates, and agencies or organizations required to offer parents the opportunity to sign a voluntary declaration of paternity and shall establish performance standards and an incentive system for participating agencies and organizations.

SEC. 14. Section 7572 of the Family Code is amended to read:

7572. (a) ~~The State Department of Social Services~~ Attorney General, in consultation with the State Department of Health Services, the California Association of Hospitals and Health Systems, and other affected health provider organizations, shall work cooperatively to develop written materials to assist providers and parents in complying with this chapter. This written material shall include the toll-free telephone number established and maintained under Section 11475.7 of the Welfare and Institutions Code and shall be updated periodically by the Attorney General to reflect changes in law, procedures, or public need.

(b) The written materials for parents which shall be attached to the form specified in Section 7574 and provided to unmarried parents shall contain the following information:

(1) A signed voluntary declaration of paternity that is filed with the ~~State Department of Social Services~~ Attorney General legally establishes paternity.

(2) The legal rights and obligations of both parents and the child that result from the establishment of paternity.

(3) An alleged father's constitutional rights to have the issue of paternity decided by a court; to notice of any hearing on the issue of paternity; to have an opportunity to present his case to the court, including his right to present and cross-examine witnesses; to have an attorney represent him; and to have an attorney appointed to represent him if he cannot afford one in a paternity action filed by the district attorney.

(4) That by signing the voluntary declaration of paternity, the father is voluntarily waiving his constitutional rights.

(c) Parents shall also be given oral notice of the rights and responsibilities specified in subdivision (b). Oral notice may be accomplished through the use of audio or videotape programs developed by the ~~State Department of Social Services~~ *Attorney General* to the extent permitted by federal law.

(d) The ~~State Department of Social Services~~ *Attorney General* shall, free of charge, make available to hospitals, clinics, and other places of birth any and all informational and training materials for the program under this chapter, as well as the paternity declaration form. The ~~State Department of Social Services~~ *Attorney General* shall make training available to every participating hospital, clinic, local registrar of births and deaths, and other place of birth no later than June 30, 1999.

(e) The ~~State Department of Social Services~~ *Attorney General* may adopt regulations, including emergency regulations, necessary to implement this chapter.

SEC. 15. Section 7573 of the Family Code is amended to read:

7573. Except as provided in Sections 7575, 7576, and 7577, a completed voluntary declaration of paternity, as described in Section 7574, that has been filed with the ~~State Department of Social Services~~ *Attorney General* shall establish the paternity of a child and shall have the same force and effect as a judgment for paternity issued by a court of competent jurisdiction. The voluntary declaration of paternity shall be recognized as a basis for

1 the establishment of an order for child custody, visitation,
2 or child support.

3 *SEC. 16. Section 7574 of the Family Code is amended*
4 *to read:*

5 7574. (a) The voluntary declaration of paternity shall
6 be executed on a form developed by the ~~State~~
7 ~~Department of Social Services~~ *Attorney General* in
8 consultation with the State Department of Health
9 Services, the California Family Support Council, and
10 child support advocacy groups.

11 (b) The form described in subdivision (a) shall
12 contain, at a minimum, the following:

13 (1) The name and the signature of the mother.

14 (2) The name and the signature of the father.

15 (3) The name of the child.

16 (4) The date of birth of the child.

17 (5) A statement by the mother that she has read and
18 understands the written materials described in Section
19 7572, that the man who has signed the voluntary
20 declaration of paternity is the only possible father, and
21 that she consents to the establishment of paternity by
22 signing the voluntary declaration of paternity.

23 (6) A statement by the father that he has read and
24 understands the written materials described in Section
25 7572, that he understands that by signing the voluntary
26 declaration of paternity he is waiving his rights as
27 described in the written materials, that he is the biological
28 father of the child, and that he consents to the
29 establishment of paternity by signing the voluntary
30 declaration of paternity.

31 (7) The name and the signature of the person who
32 witnesses the signing of the declaration by the mother
33 and the father.

34 *SEC. 17. Section 7575 of the Family Code is amended*
35 *to read:*

36 7575. (a) Either parent may rescind the voluntary
37 declaration of paternity by filing a rescission form with
38 the ~~State Department of Social Services~~ *Attorney*
39 *General* within 60 days of the date of execution of the
40 declaration by the attesting father or attesting mother,

1 whichever signature is later, unless a court order for
2 custody, visitation, or child support has been entered in
3 an action in which the signatory seeking to rescind was a
4 party. The ~~State Department of Social Services Attorney~~
5 *General* shall develop a form to be used by parents to
6 rescind the declaration of paternity and instruction on
7 how to complete and file the rescission with the ~~State~~
8 ~~Department of Social Services Attorney General~~. The
9 form shall include a declaration under penalty of perjury
10 completed by the person filing the rescission form that
11 certifies that a copy of the rescission form was sent by any
12 form of mail requiring a return receipt to the other
13 person who signed the voluntary declaration of paternity.
14 A copy of the return receipt shall be attached to the
15 rescission form when filed with the ~~State Department of~~
16 ~~Social Services Attorney General~~. The form and
17 instructions shall be written in simple, easy to understand
18 language and shall be made available at the local family
19 support office and the office of local registrar of births and
20 deaths.

21 (b) (1) Notwithstanding Section 7573, if the court
22 finds that the conclusions of all of the experts based upon
23 the results of the genetic tests performed pursuant to
24 Chapter 2 (commencing with Section 7550) are that the
25 man who signed the voluntary declaration is not the
26 father of the child, the court may set aside the voluntary
27 declaration of paternity.

28 (2) (A) The notice of motion for genetic tests under
29 this section may be filed not later than two years from the
30 date of the child's birth by either the mother or the man
31 who signed the voluntary declaration as the child's father
32 in an action to determine the existence or nonexistence
33 of the father and child relationship pursuant to Section
34 7630 or in any action to establish an order for child
35 custody, visitation, or child support based upon the
36 voluntary declaration of paternity.

37 (B) *The district attorney's authority under this*
38 *subdivision is limited to those circumstances where there*
39 *is a conflict between a voluntary acknowledgement of*
40 *paternity and a judgment of paternity or a conflict*

1 *between two or more voluntary acknowledgements of*
2 *paternity.*

3 (3) The notice of motion for genetic tests pursuant to
4 this section shall be supported by a declaration under oath
5 submitted by the moving party stating the factual basis
6 for putting the issue of paternity before the court.

7 (c) (1) Nothing in this chapter shall be construed to
8 prejudice or bar the rights of either parent to file an
9 action or motion to set aside the voluntary declaration of
10 paternity on any of the grounds described in, and within
11 the time limits specified in, Section 473 of the Code of
12 Civil Procedure and Chapter 10 (commencing with
13 Section 2120) of Part 1 of Division 6. If the action or
14 motion to set aside the voluntary declaration of paternity
15 is for fraud or perjury, the act must have induced the
16 defrauded parent to sign the voluntary declaration of
17 paternity. If the action or motion to set aside a judgment
18 is required to be filed within a specified time period
19 under Section 473 of the Code of Civil Procedure or
20 Section 2122, the period within which the action or
21 motion to set aside the voluntary declaration of paternity
22 must be filed shall commence on the date that the court
23 makes a finding of paternity based upon the voluntary
24 declaration of paternity in an action for custody,
25 visitation, or child support.

26 (2) The parent *or district attorney* seeking to set aside
27 the voluntary declaration of paternity shall have the
28 burden of proof.

29 (3) Any order for custody, visitation, or child support
30 shall remain in effect until the court determines that the
31 voluntary declaration of paternity should be set aside,
32 subject to the court's power to modify the orders as
33 otherwise provided by law.

34 (4) Nothing in this section is intended to restrict a
35 court from acting as a court of equity.

36 (5) If the voluntary declaration of paternity is set aside
37 pursuant to paragraph (1), the court shall order that the
38 mother, child, and alleged father submit to genetic tests
39 pursuant to Chapter 2 (commencing with Section 7550).
40 If the court finds that the conclusions of all the experts, as

1 disclosed by the evidence based upon the genetic tests,
2 are that the person who executed the voluntary
3 declaration of paternity is not the father of the child, the
4 question of paternity shall be resolved accordingly. If the
5 person who executed the declaration as the father of the
6 child is not excluded as a possible father, the question of
7 paternity shall be resolved as otherwise provided by law.
8 If the person who executed the declaration of paternity
9 is ultimately determined to be the father of the child, any
10 child support that accrued under an order based upon the
11 voluntary declaration of paternity shall remain due and
12 owing.

13 (6) The Judicial Council shall develop the forms and
14 procedures necessary to effectuate this subdivision.

15 *SEC. 18.* Section 10003 of the Family Code is amended
16 to read:

17 10003. This division shall apply to all actions or
18 proceedings for temporary or permanent child support,
19 spousal support, health insurance, child custody, or
20 visitation in a proceeding for dissolution of marriage,
21 nullity of marriage, legal separation, or exclusive child
22 custody, or pursuant to the Uniform Parentage Act (Part
23 3 (commencing with Section 7600) of Division 12) or the
24 Domestic Violence Prevention Act (Division 10
25 (commencing with Section 6200)).

26 ~~SEC. 3.—~~

27 *SEC. 19.* Section 10004 of the Family Code is amended
28 to read:

29 10004. Services provided by the family law facilitator
30 shall include, but are not limited to, the following:
31 providing educational materials to parents concerning
32 the process of establishing parentage and establishing,
33 modifying, and enforcing child support, spousal support,
34 child custody, and visitation in the courts; distributing
35 necessary court forms and voluntary declarations of
36 paternity; providing assistance in completing forms;
37 preparing support schedules based upon statutory
38 guidelines; and providing referrals to the district
39 attorney, family court services, and other community



1 agencies and resources that provide services for parents
2 and children.

3 ~~SEC. 4.—~~

4 *SEC. 20.* Section 10013 is added to the Family Code,
5 to read:

6 10013. The family law facilitator shall not represent
7 any party. No attorney-client relationship is created
8 between a party and the family law facilitator as a result
9 of any information or services provided to the party by
10 the family law facilitator. The family law facilitator shall
11 give conspicuous notice that no attorney-client
12 relationship exists between the facilitator, its staff, and
13 the family law litigant.

14 ~~SEC. 5.—~~

15 *SEC. 21.* Section 10014 is added to the Family Code,
16 to read:

17 10014. The family law facilitator and all persons
18 employed by or working with the family law facilitator
19 shall maintain the confidentiality of all information
20 provided by or to any party in the course of providing the
21 services described in this division. All persons employed
22 by or working with the family law facilitator shall be
23 required to sign a confidentiality agreement, to be
24 drafted by the Judicial Council, to ensure the
25 confidentiality of all communications. However, nothing
26 in this section shall preclude the family law facilitator
27 from providing information to multiple parties to the
28 same case.

29 ~~SEC. 6.—~~

30 *SEC. 22.* Section 12003 is added to the Government
31 Code, to read:

32 12003. (a) The Governor shall appoint a Secretary of
33 Statewide Child Support who shall report to, and serve at
34 the pleasure of, the Governor.

35 (b) The secretary, among other duties, shall have
36 oversight and authority over all aspects of child support
37 orders being enforced under Title IV-D of the federal
38 Social Security Act (42 U.S.C. Sec. 651 et seq.), including
39 ~~the any~~ child support enforcement responsibilities,
40 functions, and ~~duties of the following:~~

1 ~~(1) District attorneys.~~

2 ~~(2) The State Department of Social Services.~~

3 ~~(3) The Employment Development Department.~~

4 ~~(4) The Department of Justice.~~

5 ~~(5) The Franchise Tax Board.~~

6 ~~(6) The Department of Finance.~~

7 ~~(7) The Health and Welfare Data Center.~~

8 ~~(8) Any other state or county agency having~~
9 ~~responsibilities, functions, or duties with respect to the~~
10 ~~enforcement of child support orders under Title IV-D of~~
11 ~~the federal Social Security Act (42 U.S.C. Sec. 651 et seq.).~~

12 ~~SEC. 7.— duties.~~

13 ~~SEC. 23. Section 19271.51 is added to the Revenue and~~
14 ~~Taxation Code, to read:~~

15 19271.51. (a) The Franchise Tax Board shall, in
16 cooperation with the District Attorney of Los Angeles
17 County, jointly establish a two-year pilot project to assess
18 the feasibility, risks, and benefits of referring to the
19 Franchise Tax Board all child support obligations that are
20 being enforced by local support agencies pursuant to
21 Section 11475.1 of the Welfare and Institutions Code,
22 whether or not payments are delinquent. The pilot
23 project shall begin on January 1, 2000, and shall conclude
24 on December 31, 2001.

25 (b) The pilot project shall consist of 25,000 child
26 support cases, with established orders, drawn by random
27 sample from the county's existing caseload. For the
28 purposes of this pilot, the term "court order" shall include
29 orders for payment of current child support, orders for
30 payment of arrears, orders for health insurance coverage,
31 reserved orders, and interstate cases with orders from
32 another state. The pilot project shall not include cases in
33 which the obligor is on probation for violation of Section
34 270 or paragraph (4) of subdivision (a) of Section 166 of
35 the Penal Code.

36 (c) In addition to the requirements of this section, the
37 District Attorney of Los Angeles County shall continue to
38 be required to refer all child support obligations being
39 enforced pursuant to Section 11475.1 of the Welfare and
40 Institutions Code to the Franchise Tax Board to collect all

1 child support payments, that are not child support
2 delinquencies, as defined in this article, or past due
3 amounts.

4 (d) Referrals shall be transmitted by the District
5 Attorney of Los Angeles County to the Franchise Tax
6 Board in the form and manner prescribed by the
7 Franchise Tax Board.

8 (e) When a child support obligation is referred to the
9 Franchise Tax Board pursuant to this section, the amount
10 of the obligation shall be collected from any obligated
11 parent by the Franchise Tax Board in any manner
12 authorized under the law for collection of a child support
13 obligation.

14 (f) Any services or information available to the
15 District Attorney of Los Angeles County in collecting
16 child support obligations or locating absent or
17 noncustodial parents shall be available to the Franchise
18 Tax Board for purposes of collecting child support
19 obligations under this section.

20 (g) The Franchise Tax Board shall have responsibility
21 for all federal and state-mandated case processing
22 requirements for periods of this pilot according to Section
23 11475.1 of the Welfare and Institutions Code, except that
24 the Franchise Tax Board shall not have responsibility to
25 establish paternity for a child born out of wedlock. For all
26 cases included in the pilot project, the Franchise Tax
27 Board shall bear sole responsibility for providing services
28 to both custodial and noncustodial parents. The District
29 Attorney of Los Angeles County shall be relieved of all
30 responsibility for case processing of cases referred to the
31 Franchise Tax Board under this pilot project.

32 (h) The Franchise Tax Board may make application
33 under Section 270 or paragraph (4) of subdivision (a) of
34 Section 116 of the Penal Code to the District Attorney of
35 Los Angeles County.

36 (i) The Franchise Tax Board may refer a case under
37 this pilot project back to the District Attorney of Los
38 Angeles County to establish paternity for a child born out
39 of wedlock subsequent to the entry of the order to be
40 enforced.

1 (j) During the term of this pilot project, the
2 calculation of performance for the purpose of
3 determining child support incentives for Los Angeles
4 County shall include those collections, activities, and
5 services provided by the Franchise Tax Board under this
6 pilot project.

7 (k) For purposes of this pilot project, the Franchise
8 Tax Board shall be treated as a county district attorney
9 and shall be subject to the state performance review
10 requirements pursuant to Section 11475.2 of the Welfare
11 and Institutions Code.

12 (l) The Franchise Tax Board and the District Attorney
13 of Los Angeles County shall provide the State Auditor
14 with access to pilot project data and case information for
15 purposes of review of the pilot project. The State Auditor
16 shall monitor this pilot project and by April 1, 2002, report
17 to the Legislature the amount of child support collected
18 in the pilot pursuant to this section, the number of cases
19 in the pilot in which support is collected, the number of
20 cases referred to the Franchise Tax Board as part of the
21 pilot for collection, and the average amount of support
22 collected in all cases referred during the pilot. The State
23 Auditor shall also make a recommendation as to the
24 whether this pilot indicates whether the Franchise Tax
25 Board can effectively collect child support statewide in
26 the Title IV-D program.

27 (m) This section shall remain in effect only until
28 December 31, 2002, and as of that date is repealed, unless
29 a later enacted statute deletes or extends that date.

30 ~~SEC. 8.—~~

31 *SEC. 24. Section 19271.6 of the Revenue and Taxation*
32 *Code is amended to read:*

33 19271.6. (a) The Franchise Tax Board, through a
34 cooperative agreement with the ~~State Department of~~
35 ~~Social Services~~ Attorney General, and in coordination
36 with financial institutions doing business in this state, shall
37 operate a Financial Institution Match System utilizing
38 automated data exchanges to the maximum extent
39 feasible. The Financial Institution Match System shall be
40 implemented pursuant to guidelines prescribed by the

1 ~~State Department of Social Services Attorney General~~
2 and the Franchise Tax Board. These guidelines shall
3 include a structure by which financial institutions, or
4 their designated data processing agents, shall receive
5 from the Franchise Tax Board the entire list of past-due
6 support obligors, which the institution shall match with its
7 own list of accountholders to identify past-due support
8 obligor accountholders at the institution. To the extent
9 allowed by the federal Personal Responsibility and Work
10 Opportunity Reconciliation Act of 1996, the guidelines
11 shall include an option by which financial institutions
12 without the technical ability to process the data
13 exchange, or without the ability to employ a third-party
14 data processor to process the data exchange, may forward
15 to the Franchise Tax Board a list of all accountholders and
16 their social security numbers, so that the Franchise Tax
17 Board shall match that list with the entire list of past-due
18 support obligors.

19 (b) The Financial Institution Match System shall not
20 be subject to any limitation set forth in Chapter 20
21 (commencing with Section 7460) of Division 7 of Title 1
22 of the Government Code. However, any use of the
23 information provided pursuant to this section for any
24 purpose other than the enforcement and collection of a
25 child support delinquency, as set forth in Section 19271,
26 shall be a violation of Section 19542.

27 (c) Each county shall compile a file of support obligors
28 with judgments and orders that are being enforced by
29 district attorneys pursuant to Section 11475.1 of the
30 Welfare and Institutions Code, and who are past due in
31 the payment of their support obligations. The file shall be
32 compiled, updated, and forwarded to the Franchise Tax
33 Board, in accordance with the guidelines prescribed by
34 the ~~State Department of Social Services Attorney~~
35 ~~General~~ and the Franchise Tax Board.

36 (d) To effectuate the Financial Institution Match
37 System, financial institutions subject to this section shall
38 do all of the following:

39 (1) Provide to the Franchise Tax Board on a quarterly
40 basis the name, record address and other addresses, social

1 security number or other taxpayer identification
2 number, and other identifying information for each
3 noncustodial parent who maintains an account at the
4 institution and who owes past-due support, as identified
5 by the Franchise Tax Board by name and social security
6 number or other taxpayer identification number.

7 (2) In response to a notice or order to withhold issued
8 by the Franchise Tax Board, withhold from any accounts
9 of the obligor the amount of any past-due support stated
10 on the notice or order and transmit the amount to the
11 Franchise Tax Board in accordance with Section 18670 or
12 18670.5.

13 (e) Unless otherwise required by applicable law, a
14 financial institution furnishing a report or providing
15 information to the Franchise Tax Board pursuant to this
16 section shall not disclose to a depositor or an
17 accountholder, or a codepositor or coaccountholder, that
18 the name, address, social security number, or other
19 taxpayer identification number or other identifying
20 information of that person has been received from or
21 furnished to the Franchise Tax Board.

22 (f) A financial institution shall incur no obligation or
23 liability to any person arising from any of the following:

24 (1) Furnishing information to the Franchise Tax
25 Board as required by this section.

26 (2) Failing to disclose to a depositor or accountholder
27 that the name, address, social security number, or other
28 taxpayer identification number or other identifying
29 information of that person was included in the data
30 exchange with the Franchise Tax Board required by this
31 section.

32 (3) Withholding or transmitting any assets in response
33 to a notice or order to withhold issued by the Franchise
34 Tax Board as a result of the data exchange. This paragraph
35 shall not preclude any liability that may result if the
36 financial institution does not comply with subdivision (b)
37 of Section 18674.

38 (4) Any other action taken in good faith to comply
39 with the requirements of this section.

1 (g) Information required to be submitted to the
 2 Franchise Tax Board pursuant to this section shall only be
 3 used by the Franchise Tax Board to collect past-due
 4 support pursuant to Section 19271. If the Franchise Tax
 5 Board has issued an earnings withholding order and the
 6 condition described in subparagraph (C) of paragraph
 7 (1) of subdivision (i) exists with respect to the obligor, the
 8 Franchise Tax Board shall not use the information it
 9 receives under this section to collect the past-due support
 10 from that obligor. The Franchise Tax Board shall forward
 11 to the counties, in accordance with guidelines prescribed
 12 by the ~~State Department of Social Services~~ *Attorney*
 13 *General* and the Franchise Tax Board, information
 14 obtained from the financial institutions pursuant to this
 15 section. No county shall use this information for directly
 16 levying on any account. Each county shall keep the
 17 information confidential as provided by Section 11478.1 of
 18 the Welfare and Institutions Code.

19 (h) For those noncustodial parents owing past-due
 20 support for which there is a match under paragraph (1)
 21 of subdivision (d), the past-due support at the time of the
 22 match shall be a delinquency under this article for the
 23 purposes of the Franchise Tax Board taking any collection
 24 action pursuant to Section 18670 or 18670.5.

25 (i) (1) Each county shall notify the Franchise Tax
 26 Board upon the occurrence of the circumstances
 27 described in the following subparagraphs with respect to
 28 an obligor of past-due support:

29 (A) All of the following apply:

30 (i) A court has ordered an obligor to make scheduled
 31 payments on a child support arrearages obligation.

32 (ii) The obligor is in compliance with that order.

33 (B) An earnings assignment order or a notice of
 34 assignment that includes an amount for past-due support
 35 has been served on the obligated parent's employer and
 36 earnings are being withheld pursuant to the earnings
 37 assignment order or a notice of assignment.

38 (C) At least 50 percent of the obligated parent's
 39 earnings are being withheld for support.

(D) The obligor is less than 90 days delinquent in the payment of any amount of support. For purposes of this subparagraph, any delinquency existing at the time a case is received by a district attorney shall not be considered until 90 days have passed.

(E) A child support delinquency need not be referred to the Franchise Tax Board for collection if a jurisdiction outside this state is enforcing the support order.

(2) Upon notification, the Franchise Tax Board shall not use the information it receives under this section to collect any past-due support from that obligor.

(j) Notwithstanding subdivision (i), the Franchise Tax Board may use the information it receives under this section to collect any past-due support at any time if a county requests action be taken.

(k) The Franchise Tax Board may not use the information it receives under this section to collect any past-due support if a county has applied for and received an exemption from the ~~State Department of Social Services~~ *Attorney General* as provided by subdivision (k) of Section 19271, unless that county specifically requests collection against that obligor. The Franchise Tax Board may not use the information it receives under this section to collect any past-due support if a county requests that action not be taken.

(l) For purposes of this section:

(1) “Account” means any demand deposit account, share or share draft account, checking or negotiable withdrawal order account, savings account, time deposit account, or a money market mutual fund account, whether or not the account bears interest.

(2) “Financial institution” has the same meaning as defined in Section 669A(d)(1) of Title 42 of the United States Code.

(3) “Past-due support” means any child support obligation that is unpaid on the due date for payment.

(m) Out of any money received from the federal government for the purpose of reimbursing financial institutions for their actual and reasonable costs incurred in complying with this section, the state shall reimburse

those institutions. To the extent that money is not provided by the federal government for that purpose, the state shall not reimburse financial institutions for their costs in complying with this section.

(n) By March 1, 1998, the Franchise Tax Board and the ~~Department of Social Services~~ Attorney General, in consultation with counties and financial institutions, shall jointly propose an implementation plan for inclusion in the annual Budget Act, or in other legislation that would fund this program. The implementation plan shall take into account the program's financial benefits, including the costs of all participating private and public agencies. It is the intent of the Legislature that this program shall result in a net savings to the state and the counties.

SEC. 25. *Section 19272 of the Revenue and Taxation Code is amended to read:*

19272. (a) Any child support delinquency collected by the Franchise Tax Board, including those amounts that result in overpayment of a child support delinquency, shall be deposited in the State Treasury, after clearance of the remittance, to the credit of the Special Deposit Fund and distributed as specified by interagency agreement executed by the Franchise Tax Board and the ~~State Department of Social Services~~ Attorney General, with the concurrence of the Controller. Notwithstanding Section 13340 of the Government Code, all moneys deposited in the Special Deposit Fund pursuant to this article are hereby continuously appropriated, without regard to fiscal years, for purposes of making distributions.

(b) When a child support delinquency, or any portion thereof, has been collected by the Franchise Tax Board pursuant to this article, the district attorney shall be notified that the delinquency or some portion thereof has been collected and shall be provided any other necessary relevant information requested.

(c) The referring county district attorney shall receive credit for the amount of collections made pursuant to the referral, and shall receive the applicable child support enforcement incentives pursuant to Section 15200.85 of

1 the Welfare and Institutions Code. Collection costs
2 incurred by the Franchise Tax Board shall be paid by
3 federal reimbursement with any balance to be paid from
4 the General Fund.

5 *SEC. 26. Section 19273 of the Revenue and Taxation*
6 *Code is amended to read:*

7 19273. (a) For the collection pursuant to this article
8 of any child support delinquency from any obligated
9 parent who is out of state, the Franchise Tax Board may
10 utilize the procedures and mechanisms currently
11 available for collection of taxes owed from out-of-state
12 taxpayers, pursuant to Section 19376. As necessary, the
13 Franchise Tax Board shall seek reciprocal agreements
14 with other states to improve its ability to collect child
15 support payments from out-of-state obligated parents on
16 behalf of custodial parents residing in California. The
17 Franchise Tax Board shall also share with the Internal
18 Revenue Service any tax return information with respect
19 to the location of the obligated parent, and may pursue
20 agreements with the Internal Revenue Service, as
21 permitted by federal law, to improve collections of child
22 support delinquencies from out-of-state obligated
23 parents through cooperative agreements with the
24 service.

25 (b) The Statewide Automated Child Support System,
26 established pursuant to Section 10815 of the Welfare and
27 Institutions Code, shall, for purposes of this article,
28 include the capacity to interface and exchange
29 information with the Franchise Tax Board, and if feasible,
30 the Internal Revenue Service, to enable the immediate
31 reporting and tracking of obligated parent information.

32 ~~(c) The State Department of Social Services Attorney~~
33 ~~General~~ and the Franchise Tax Board shall enter into any
34 interagency agreements that are necessary for the
35 implementation of this article.

36 *SEC. 27. Section 1088.8 is added to the*
37 *Unemployment Insurance Code, to read:*

38 1088.8. (a) Any service recipient, as defined in
39 subdivision (b), who makes or is required to make a
40 return to the Internal Revenue Service, in accordance

1 with Section 6041A(a) of the Internal Revenue Code
2 (relating to payments made to a service provider as
3 compensation for services), shall file with the
4 department information as required under subdivision
5 (c).

6 (b) For purposes of this section:

7 (1) "Service recipient" means any individual, person,
8 corporation, association, or partnership, or agent thereof,
9 doing business in this state, deriving income from sources
10 within this state, or in any manner whatsoever subject to
11 the laws of this state. "Service recipient" also includes the
12 State of California or any political subdivision thereof,
13 including the Regents of the University of California, any
14 city organized under a freeholder's charter, or any
15 political body not a subdivision or agency of the state, and
16 any person, employee, department, or agent thereof.

17 (2) "Service provider" means an individual who is not
18 an employee of the service recipient for state law
19 purposes and who receives compensation or executes a
20 contract for services performed for that service recipient
21 within or without the state.

22 (c) (1) Each service recipient who contracts with the
23 state shall report all of the following information to the
24 department for each service provider who will perform
25 work on the state contract, within 20 days of the earlier
26 of first making payments for services rendered of six
27 hundred dollars (\$600) or more in any year to the service
28 provider, or entering into a contract or contracts with the
29 service provider providing for payments of six hundred
30 dollars (\$600) or more in any year:

31 (A) The full name and social security number of the
32 service-provider.

33 (B) The service recipient's name, business name,
34 address, and telephone number.

35 (C) The service recipient's federal employer
36 identification number, California state employer account
37 number, social security number, or other identifying
38 number as required by the department.

(D) The date the contract is executed, or if no contract is executed, the date payments for services rendered first total six hundred dollars (\$600) or more.

(E) The total dollar amount of the contract, if any, and the contract expiration date.

(d) The department shall retain information collected pursuant to this section until November 1 following the tax year in which the contract is executed, or if no contract is executed, the tax year in which the payments for services rendered first total six hundred dollars (\$600) or more.

(e) Information obtained by the department pursuant to this section may be released only for purposes of establishing, modifying, or enforcing child support obligations under Section 11475.1 of the Welfare and Institutions Code and for child support collection purposes authorized under Article 5 (commencing with Section 19271) of Chapter 5 of Part 10.2 of the Revenue and Taxation Code, or to the Franchise Tax Board for tax enforcement purposes or for administering the provisions of the Welfare and Institutions Code.

(f) This section shall become operative on July 1, 2000.

~~SEC. 9.~~

SEC. 28. Section 11350.6 of the Welfare and Institutions Code is amended to read:

11350.6. (a) As used in this section:

(1) "Applicant" means any person applying for issuance or renewal of a license.

(2) "Board" means any entity specified in Section 101 of the Business and Professions Code, the entities referred to in Sections 1000 and 3600 of the Business and Professions Code, the State Bar, the Department of Real Estate, the Department of Motor Vehicles, the Secretary of State, the Department of Fish and Game, and any other state commission, department, committee, examiner, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, or to the extent required by federal law or regulations, for recreational purposes. This term includes all boards, commissions,

1 departments, committees, examiners, entities, and
2 agencies that issue a license, certificate, credential,
3 permit, registration, or any other authorization to engage
4 in a business, occupation, or profession. The failure to
5 specifically name a particular board, commission,
6 department, committee, examiner, entity, or agency that
7 issues a license, certificate, credential, permit,
8 registration, or any other authorization to engage in a
9 business, occupation, or profession does not exclude that
10 board, commission, department, committee, examiner,
11 entity, or agency from this term.

12 (3) “Certified list” means a list provided by the district
13 attorney to the ~~State Department of Social Services~~
14 *Attorney General* in which the district attorney verifies,
15 under penalty of perjury, that the names contained
16 therein are support obligors found to be out of
17 compliance with a judgment or order for support in a case
18 being enforced under Title IV-D of the federal Social
19 Security Act.

20 (4) “Compliance with a judgment or order for
21 support” means that, as set forth in a judgment or order
22 for child or family support, the obligor is no more than 30
23 calendar days in arrears in making payments in full for
24 current support, in making periodic payments in full,
25 whether court ordered or by agreement with the district
26 attorney, on a support arrearage, or in making periodic
27 payments in full, whether court ordered or by agreement
28 with the district attorney, on a judgment for
29 reimbursement for public assistance, or has obtained a
30 judicial finding that equitable estoppel as provided in
31 statute or case law precludes enforcement of the order.
32 The district attorney is authorized to use this section to
33 enforce orders for spousal support only when the district
34 attorney is also enforcing a related child support
35 obligation owed to the obligee parent by the same
36 obligor, pursuant to Sections 11475.1 and 11475.2.

37 (5) “License” includes membership in the State Bar,
38 and a certificate, credential, permit, registration, or any
39 other authorization issued by a board that allows a person
40 to engage in a business, occupation, or profession, or to

1 operate a commercial motor vehicle, including
2 appointment and commission by the Secretary of State as
3 a notary public. “License” also includes any driver’s
4 license issued by the Department of Motor Vehicles, any
5 commercial fishing license issued by the Department of
6 Fish and Game, and to the extent required by federal law
7 or regulations, any license used for recreational purposes.
8 This term includes all licenses, certificates, credentials,
9 permits, registrations, or any other authorization issued
10 by a board that allows a person to engage in a business,
11 occupation, or profession. The failure to specifically name
12 a particular type of license, certificate, credential, permit,
13 registration, or other authorization issued by a board that
14 allows a person to engage in a business, occupation, or
15 profession, does not exclude that license, certificate,
16 credential, permit, registration, or other authorization
17 from this term.

18 (6) “Licensee” means any person holding a license,
19 certificate, credential, permit, registration, or other
20 authorization issued by a board, to engage in a business,
21 occupation, or profession, or a commercial driver’s
22 license as defined in Section 15210 of the Vehicle Code,
23 including an appointment and commission by the
24 Secretary of State as a notary public. “Licensee” also
25 means any person holding a driver’s license issued by the
26 Department of Motor Vehicles, any person holding a
27 commercial fishing license issued by the Department of
28 Fish and Game, and to the extent required by federal law
29 or regulations, any person holding a license used for
30 recreational purposes. This term includes all persons
31 holding a license, certificate, credential, permit,
32 registration, or any other authorization to engage in a
33 business, occupation, or profession, and the failure to
34 specifically name a particular type of license, certificate,
35 credential, permit, registration, or other authorization
36 issued by a board does not exclude that person from this
37 term. For licenses issued to an entity that is not an
38 individual person, “licensee” includes any individual who
39 is either listed on the license or who qualifies the license.



1 (b) The district attorney shall maintain a list of those
2 persons included in a case being enforced under Title
3 IV-D of the federal Social Security Act against whom a
4 support order or judgment has been rendered by, or
5 registered in, a court of this state, and who are not in
6 compliance with that order or judgment. The district
7 attorney shall submit a certified list with the names, social
8 security numbers, and last known addresses of these
9 persons and the name, address, and telephone number of
10 the district attorney who certified the list to the ~~State~~
11 ~~Department of Social Services Attorney General~~. The
12 district attorney shall verify, under penalty of perjury,
13 that the persons listed are subject to an order or judgment
14 for the payment of support and that these persons are not
15 in compliance with the order or judgment. The district
16 attorney shall submit to the ~~State Department of Social~~
17 ~~Services Attorney General~~ an updated certified list on a
18 monthly basis.

19 (c) The ~~State Department of Social Services Attorney~~
20 ~~General~~ shall consolidate the certified lists received from
21 the district attorneys and, within 30 calendar days of
22 receipt, shall provide a copy of the consolidated list to
23 each board which is responsible for the regulation of
24 licenses, as specified in this section.

25 (d) On or before November 1, 1992, or as soon
26 thereafter as economically feasible, as determined by the
27 ~~State Department of Social Services Attorney General~~, all
28 boards subject to this section shall implement procedures
29 to accept and process the list provided by the ~~State~~
30 ~~Department of Social Services Attorney General~~, in
31 accordance with this section. Notwithstanding any other
32 provision of law, all boards shall collect social security
33 numbers from all applicants for the purposes of matching
34 the names of the certified list provided by the ~~State~~
35 ~~Department of Social Services Attorney General~~ to
36 applicants and licensees and of responding to requests for
37 this information made by child support agencies.

38 (e) (1) Promptly after receiving the certified
39 consolidated list from the ~~State Department of Social~~
40 ~~Services Attorney General~~, and prior to the issuance or

1 renewal of a license, each board shall determine whether
2 the applicant is on the most recent certified consolidated
3 list provided by the ~~State Department of Social Services~~
4 *Attorney General*. The board shall have the authority to
5 withhold issuance or renewal of the license of any
6 applicant on the list.

7 (2) If an applicant is on the list, the board shall
8 immediately serve notice as specified in subdivision (f)
9 on the applicant of the board's intent to withhold issuance
10 or renewal of the license. The notice shall be made
11 personally or by mail to the applicant's last known mailing
12 address on file with the board. Service by mail shall be
13 complete in accordance with Section 1013 of the Code of
14 Civil Procedure.

15 (A) The board shall issue a temporary license valid for
16 a period of 150 days to any applicant whose name is on the
17 certified list if the applicant is otherwise eligible for a
18 license.

19 (B) Except as provided in subparagraph (D), the
20 150-day time period for a temporary license shall not be
21 extended. Except as provided in subparagraph (D), only
22 one temporary license shall be issued during a regular
23 license term and it shall coincide with the first 150 days
24 of that license term. As this paragraph applies to
25 commercial driver's licenses, "license term" shall be
26 deemed to be 12 months from the date the application fee
27 is received by the Department of Motor Vehicles. A
28 license for the full or remainder of the license term shall
29 be issued or renewed only upon compliance with this
30 section.

31 (C) If a license or application for a license or the
32 renewal of a license is denied pursuant to this section, any
33 funds paid by the applicant or licensee shall not be
34 refunded by the board.

35 (D) This paragraph shall apply only in the case of a
36 driver's license, other than a commercial driver's license.
37 Upon the request of the district attorney or by order of
38 the court upon a showing of good cause, the board shall
39 extend a 150-day temporary license for a period not to
40 exceed 150 extra days.

1 (3) (A) The ~~State Department of Social Services~~
2 *Attorney General* may, when it is economically feasible
3 for the ~~department~~ *Attorney General* and the boards to
4 do so as determined by the ~~department~~ *Attorney*
5 *General*, in cases where the ~~department~~ *Attorney*
6 *General* is aware that certain child support obligors listed
7 on the certified lists have been out of compliance with a
8 judgment or order for support for more than four months,
9 provide a supplemental list of these obligors to each board
10 with which the ~~department~~ *Attorney General* has an
11 interagency agreement to implement this paragraph.
12 Upon request by the ~~department~~ *Attorney General*, the
13 licenses of these obligors shall be subject to suspension,
14 provided that the licenses would not otherwise be eligible
15 for renewal within six months from the date of the request
16 by the ~~department~~ *Attorney General*. The board shall
17 have the authority to suspend the license of any licensee
18 on this supplemental list.

19 (B) If a licensee is on a supplemental list, the board
20 shall immediately serve notice as specified in subdivision
21 (f) on the licensee that his or her license will be
22 automatically suspended 150 days after notice is served,
23 unless compliance with this section is achieved. The
24 notice shall be made personally or by mail to the licensee's
25 last known mailing address on file with the board. Service
26 by mail shall be complete in accordance with Section 1013
27 of the Code of Civil Procedure.

28 (C) The 150-day notice period shall not be extended.

29 (D) If any license is suspended pursuant to this
30 section, any funds paid by the licensee shall not be
31 refunded by the board.

32 (E) This paragraph shall not apply to licenses subject
33 to annual renewal or annual fee.

34 (f) Notices shall be developed by each board in
35 accordance with guidelines provided by the ~~State~~
36 ~~Department of Social Services~~ *Attorney General* and
37 subject to approval by the ~~State Department of Social~~
38 ~~Services~~ *Attorney General*. The notice shall include the
39 address and telephone number of the district attorney
40 who submitted the name on the certified list, and shall

1 emphasize the necessity of obtaining a release from that
2 district attorney's office as a condition for the issuance,
3 renewal, or continued valid status of a license or licenses.

4 (1) In the case of applicants not subject to paragraph
5 (3) of subdivision (e), the notice shall inform the
6 applicant that the board shall issue a temporary license,
7 as provided in subparagraph (A) of paragraph (2) of
8 subdivision (e), for 150 calendar days if the applicant is
9 otherwise eligible and that upon expiration of that time
10 period the license will be denied unless the board has
11 received a release from the district attorney who
12 submitted the name on the certified list.

13 (2) In the case of licensees named on a supplemental
14 list, the notice shall inform the licensee that his or her
15 license will continue in its existing status for no more than
16 150 calendar days from the date of mailing or service of
17 the notice and thereafter will be suspended indefinitely
18 unless, during the 150-day notice period, the board has
19 received a release from the district attorney who
20 submitted the name on the certified list. Additionally, the
21 notice shall inform the licensee that any license
22 suspended under this section will remain so until the
23 expiration of the remaining license term, unless the board
24 receives a release along with applications and fees, if
25 applicable, to reinstate the license during the license
26 term.

27 (3) The notice shall also inform the applicant or
28 licensee that if an application is denied or a license is
29 suspended pursuant to this section, any funds paid by the
30 applicant or licensee shall not be refunded by the board.
31 ~~The State Department of Social Services Attorney~~
32 *General* shall also develop a form that the applicant shall
33 use to request a review by the district attorney. A copy of
34 this form shall be included with every notice sent
35 pursuant to this subdivision.

36 (g) (1) Each district attorney shall maintain review
37 procedures consistent with this section to allow an
38 applicant to have the underlying arrearage and any
39 relevant defenses investigated, to provide an applicant
40 information on the process of obtaining a modification of

1 a support order, or to provide an applicant assistance in
2 the establishment of a payment schedule on arrearages if
3 the circumstances so warrant.

4 (2) It is the intent of the Legislature that a court or
5 district attorney, when determining an appropriate
6 payment schedule for arrearages, base its decision on the
7 facts of the particular case and the priority of payment of
8 child support over other debts. The payment schedule
9 shall also recognize that certain expenses may be essential
10 to enable an obligor to be employed. Therefore, in
11 reaching its decision, the court or the district attorney
12 shall consider both of these goals in setting a payment
13 schedule for arrearages.

14 (h) If the applicant wishes to challenge the submission
15 of his or her name on the certified list, the applicant shall
16 make a timely written request for review on the form
17 specified in subdivision (f) to the district attorney who
18 certified the applicant's name. The district attorney shall,
19 within 75 days of receipt of the written request, inform
20 the applicant in writing of his or her findings upon
21 completion of the review. The district attorney shall
22 immediately send a release to the appropriate board and
23 the applicant, if any of the following conditions are met:

24 (1) The applicant is found to be in compliance or
25 negotiates an agreement with the district attorney for a
26 payment schedule on arrearages or reimbursement.

27 (2) The applicant has submitted a request for review,
28 but the district attorney will be unable to complete the
29 review and send notice of his or her findings to the
30 applicant within 75 days. This paragraph applies only if
31 the delay in completing the review process is not the
32 result of the applicant's failure to act in a reasonable,
33 timely, and diligent manner upon receiving notice from
34 the board that his or her name is on the list.

35 (3) The applicant has filed and served a request for
36 judicial review pursuant to this section, but a resolution
37 of that review will not be made within 150 days of the date
38 of service of notice pursuant to subdivision (f). This
39 paragraph applies only if the delay in completing the
40 judicial review process is not the result of the applicant's

1 failure to act in a reasonable, timely, and diligent manner
2 upon receiving the district attorney's notice of his or her
3 findings.

4 (4) The applicant has obtained a judicial finding of
5 compliance as defined in this section.

6 (i) An applicant is required to act with diligence in
7 responding to notices from the board and the district
8 attorney with the recognition that the temporary license
9 will lapse or the license suspension will go into effect after
10 150 days and that the district attorney and, where
11 appropriate, the court must have time to act within that
12 period. An applicant's delay in acting, without good
13 cause, which directly results in the inability of the district
14 attorney to complete a review of the applicant's request
15 or the court to hear the request for judicial review within
16 the 150-day period shall not constitute the diligence
17 required under this section which would justify the
18 issuance of a release.

19 (j) Except as otherwise provided in this section, the
20 district attorney shall not issue a release if the applicant
21 is not in compliance with the judgment or order for
22 support. The district attorney shall notify the applicant in
23 writing that the applicant may, by filing an order to show
24 cause or notice of motion, request any or all of the
25 following:

26 (1) Judicial review of the district attorney's decision
27 not to issue a release.

28 (2) A judicial determination of compliance.

29 (3) A modification of the support judgment or order.

30 The notice shall also contain the name and address of
31 the court in which the applicant shall file the order to
32 show cause or notice of motion and inform the applicant
33 that his or her name shall remain on the certified list if the
34 applicant does not timely request judicial review. The
35 applicant shall comply with all statutes and rules of court
36 regarding orders to show cause and notices of motion.

37 Nothing in this section shall be deemed to limit an
38 applicant from filing an order to show cause or notice of
39 motion to modify a support judgment or order or to fix a
40 payment schedule on arrearages accruing under a

1 support judgment or order or to obtain a court finding of
2 compliance with a judgment or order for support.

3 (k) The request for judicial review of the district
4 attorney's decision shall state the grounds for which
5 review is requested and judicial review shall be limited to
6 those stated grounds. The court shall hold an evidentiary
7 hearing within 20 calendar days of the filing of the request
8 for review. Judicial review of the district attorney's
9 decision shall be limited to a determination of each of the
10 following issues:

11 (1) Whether there is a support judgment, order, or
12 payment schedule on arrearages or reimbursement.

13 (2) Whether the petitioner is the obligor covered by
14 the support judgment or order.

15 (3) Whether the support obligor is or is not in
16 compliance with the judgment or order of support.

17 (4) The extent to which the needs of the obligor,
18 taking into account the obligor's payment history and the
19 current circumstances of both the obligor and the
20 obligee, warrant a conditional release as described in this
21 subdivision.

22 The request for judicial review shall be served by the
23 applicant upon the district attorney who submitted the
24 applicant's name on the certified list within seven
25 calendar days of the filing of the petition. The court has
26 the authority to uphold the action, unconditionally
27 release the license, or conditionally release the license.

28 If the judicial review results in a finding by the court
29 that the obligor is in compliance with the judgment or
30 order for support, the district attorney shall immediately
31 send a release in accordance with subdivision (h) to the
32 appropriate board and the applicant. If the judicial
33 review results in a finding by the court that the needs of
34 the obligor warrant a conditional release, the court shall
35 make findings of fact stating the basis for the release and
36 the payment necessary to satisfy the unrestricted
37 issuance or renewal of the license without prejudice to a
38 later judicial determination of the amount of support
39 arrearages, including interest, and shall specify payment

1 terms, compliance with which are necessary to allow the
2 release to remain in effect.

3 (l) ~~The State Department of Social Services Attorney~~
4 *General* shall prescribe release forms for use by district
5 attorneys. When the obligor is in compliance, the district
6 attorney shall mail to the applicant and the appropriate
7 board a release stating that the applicant is in compliance.
8 The receipt of a release shall serve to notify the applicant
9 and the board that, for the purposes of this section, the
10 applicant is in compliance with the judgment or order for
11 support.

12 If the district attorney determines subsequent to the
13 issuance of a release that the applicant is once again not
14 in compliance with a judgment or order for support, or
15 with the terms of repayment as described in this
16 subdivision, the district attorney may notify the board,
17 the obligor, and the ~~State Department of Social Services~~
18 *Attorney General* in a format prescribed by the ~~State~~
19 ~~Department of Social Services Attorney General~~ that the
20 obligor is not in compliance.

21 The ~~State Department of Social Services Attorney~~
22 *General* may, when it is economically feasible for the
23 ~~department Attorney General~~ and the boards to develop
24 an automated process for complying with this subdivision,
25 notify the boards in a manner prescribed by the
26 ~~department Attorney General~~, that the obligor is once
27 again not in compliance. Upon receipt of this notice, the
28 board shall immediately notify the obligor on a form
29 prescribed by the ~~department Attorney General~~ that the
30 obligor's license will be suspended on a specific date, and
31 this date shall be no longer than 30 days from the date the
32 form is mailed. The obligor shall be further notified that
33 the license will remain suspended until a new release is
34 issued in accordance with subdivision (h). Nothing in this
35 section shall be deemed to limit the obligor from seeking
36 judicial review of suspension pursuant to the procedures
37 described in subdivision (k).

38 (m) ~~The State Department of Social Services Attorney~~
39 *General* may enter into interagency agreements with the
40 state agencies that have responsibility for the

1 administration of boards necessary to implement this
2 section, to the extent that it is cost-effective to implement
3 this section. These agreements shall provide for the
4 receipt by the other state agencies and boards of federal
5 funds to cover that portion of costs allowable in federal
6 law and regulation and incurred by the state agencies and
7 boards in implementing this section. Notwithstanding
8 any other provision of law, revenue generated by a board
9 or state agency shall be used to fund the nonfederal share
10 of costs incurred pursuant to this section. These
11 agreements shall provide that boards shall reimburse the
12 ~~State Department of Social Services~~ *Attorney General* for
13 the nonfederal share of costs incurred by the department
14 in implementing this section. The boards shall reimburse
15 the ~~State Department of Social Services~~ *Attorney*
16 *General* for the nonfederal share of costs incurred
17 pursuant to this section from moneys collected from
18 applicants and licensees.

19 (n) Notwithstanding any other provision of law, in
20 order for the boards subject to this section to be
21 reimbursed for the costs incurred in administering its
22 provisions, the boards may, with the approval of the
23 ~~appropriate department director~~ *Attorney General*, levy
24 on all licensees and applicants a surcharge on any fee or
25 fees collected pursuant to law, or, alternatively, with the
26 approval of the ~~appropriate department director~~
27 *Attorney General*, levy on the applicants or licensees
28 named on a certified list or supplemental list, a special fee.

29 (o) The process described in subdivision (h) shall
30 constitute the sole administrative remedy for contesting
31 the issuance of a temporary license or the denial or
32 suspension of a license under this section. The procedures
33 specified in the administrative adjudication provisions of
34 the Administrative Procedure Act (Chapter 4.5
35 (commencing with Section 11400) and Chapter 5
36 (commencing with Section 11500) of Part 1 of Division 3
37 of Title 2 of the Government Code) shall not apply to the
38 denial, suspension, or failure to issue or renew a license or
39 the issuance of a temporary license pursuant to this
40 section.

1 (p) In furtherance of the public policy of increasing
2 child support enforcement and collections, on or before
3 November 1, 1995, the ~~State Department of Social~~
4 ~~Services~~ *Attorney General* shall make a report to the
5 Legislature and the Governor based on data collected by
6 the boards and the district attorneys in a format
7 prescribed by the ~~State Department of Social Services~~
8 *Attorney General*. The report shall contain all of the
9 following:

10 (1) The number of delinquent obligors certified by
11 district attorneys under this section.

12 (2) The number of support obligors who also were
13 applicants or licensees subject to this section.

14 (3) The number of new licenses and renewals that
15 were delayed, temporary licenses issued, and licenses
16 suspended subject to this section and the number of new
17 licenses and renewals granted and licenses reinstated
18 following board receipt of releases as provided by
19 subdivision (h) by May 1, 1995.

20 (4) The costs incurred in the implementation and
21 enforcement of this section.

22 (q) Any board receiving an inquiry as to the licensed
23 status of an applicant or licensee who has had a license
24 denied or suspended under this section or has been
25 granted a temporary license under this section shall
26 respond only that the license was denied or suspended or
27 the temporary license was issued pursuant to this section.
28 Information collected pursuant to this section by any
29 state agency, board, or department shall be subject to the
30 Information Practices Act of 1977 (Chapter 1
31 (commencing with Section 1798) of Title 1.8 of Part 4 of
32 Division 3 of the Civil Code).

33 (r) Any rules and regulations issued pursuant to this
34 section by any state agency, board, or department may be
35 adopted as emergency regulations in accordance with the
36 rulemaking provisions of the Administrative Procedure
37 Act (Chapter 3.5 (commencing with Section 11340) of
38 Part 1 of Division 3 of Title 2 of the Government Code).
39 The adoption of these regulations shall be deemed an
40 emergency and necessary for the immediate

1 preservation of the public peace, health, and safety, or
2 general welfare. The regulations shall become effective
3 immediately upon filing with the Secretary of State.

4 (s) The ~~State Department of Social Services~~ *Attorney*
5 *General* and boards, as appropriate, shall adopt
6 regulations necessary to implement this section.

7 (t) The Judicial Council shall develop the forms
8 necessary to implement this section, except as provided
9 in subdivisions (f) and (l).

10 (u) The release or other use of information received
11 by a board pursuant to this section, except as authorized
12 by this section, is punishable as a misdemeanor.

13 (v) The State Board of Equalization shall enter into
14 interagency agreements with the ~~State Department of~~
15 ~~Social Services~~ *Attorney General* and the Franchise Tax
16 Board that will require the ~~State Department of Social~~
17 ~~Services~~ *Attorney General* and the Franchise Tax Board
18 to maximize the use of information collected by the State
19 Board of Equalization, for child support enforcement
20 purposes, to the extent it is cost-effective and permitted
21 by the Revenue and Taxation Code.

22 (w) (l) The suspension or revocation of any driver's
23 license, including a commercial driver's license, under
24 this section shall not subject the licensee to vehicle
25 impoundment pursuant to Section 14602.6 of the Vehicle
26 Code.

27 (2) *Notwithstanding any other provision of law, the*
28 *suspension or revocation of any driver's license, including*
29 *a commercial driver's license, under this section shall not*
30 *subject the licensee to increased costs for vehicle liability*
31 *insurance.*

32 (x) If any provision of this section or the application
33 thereof to any person or circumstance is held invalid, that
34 invalidity shall not affect other provisions or applications
35 of this section which can be given effect without the
36 invalid provision or application, and to this end the
37 provisions of this section are severable.

38 (y) All rights to administrative and judicial review
39 afforded by this section to an applicant shall also be
40 afforded to a licensee.

1 ~~SEC. 10.~~—

2 SEC. 29. Section 11350.10 is added to the Welfare and
3 Institutions Code, to read:

4 11350.10. (a) As used in this section, the term
5 “parent” refers to either a custodial or noncustodial
6 parent, or an applicant or recipient of services provided
7 by the district attorney pursuant to Section 11475.1.

8 (b) The district attorney of each county shall institute
9 a dispute resolution process in their office for support
10 enforcement services provided pursuant to Section
11 11475.1. Each county shall promulgate procedures for
12 submitting disputes for review by the district attorney, or
13 his or her designee, subject to the following:

14 (1) The Attorney General shall develop and issue
15 statewide uniform forms and procedures for use by all
16 counties in their county dispute resolution process.

17 (2) A notice of the right to request a dispute resolution,
18 on a form developed and supplied by the Attorney
19 General, and a copy of the office procedures for the
20 dispute resolution process shall be clearly posted in all
21 child support enforcement offices open to the public.

22 (c) Any parent may request a dispute resolution if he
23 or she claims any of the following:

24 (1) An application for child support services has been
25 denied or has not been acted upon within the required
26 timeframe.

27 (2) The district attorney has failed to take appropriate
28 action on the child support services case within the
29 required timeframe set by federal or state law.

30 (3) Child support collections have not been
31 distributed, or have been distributed incorrectly, as
32 required by federal or state law.

33 (4) The district attorney has closed a child support
34 case in violation of federal or state law.

35 (d) No person shall be entitled to request a dispute
36 resolution unless he or she files his or her request within
37 90 days of the action or failure to take action complained
38 of.

39 (e) Within two weeks of receiving a request for
40 dispute resolution, the district attorney shall either

1 resolve the complaint by taking the corrective action
2 requested by the parent and mailing a notice of
3 corrective action to the parent, or mail a notice of hearing
4 to the parent. The hearing on the complaint shall be
5 scheduled to occur no less than 15 days nor more than 30
6 days after the date of mailing the notice of hearing. These
7 hearings may occur by formal or informal meetings with
8 the parent, and may occur by telephone for convenience
9 purposes. The time and date of the hearing may be
10 rescheduled by agreement.

11 (f) If, at the time of the hearing, the district attorney
12 acknowledges that a specified action needs to be taken
13 and requests more time for completing the action, the
14 hearing may be continued to a later date. Continuance of
15 the hearing may be agreed to by the parent without the
16 necessity of attending the hearing.

17 (g) At the time of the hearing, or within seven business
18 days following the hearing, the district attorney shall
19 provide or mail a written response to the parent, and
20 stating all of the following:

21 (1) The dispute has been resolved and how it was
22 resolved.

23 (2) The dispute was not resolved and why it was not
24 resolved.

25 (3) A further hearing is required for resolution of the
26 dispute because additional information or investigation is
27 needed.

28 (h) The district attorney shall not be required to
29 provide a parent with a dispute resolution hearing
30 pertaining to an issue previously reviewed unless some
31 change of circumstances or facts is presented.

32 (i) Within 2 days of providing the parent with a
33 written response, the district attorney shall mail a copy of
34 the dispute form and the district attorney's written
35 response to the Attorney General. The Attorney General
36 shall maintain files of the disputes and responses, and
37 compile information as the nature, number, and
38 resolution of the disputes for purposes of reporting to the
39 Legislature.

1 SEC. 30. Section 11350.11 is added to the Welfare and
2 Institutions Code, to read:

3 11350.11. (a) At the time of providing a parent with
4 a written response pursuant to subdivision (f) of Section
5 11350.10, the district attorney shall provide the parent a
6 blank form for requesting a state hearing. This form shall
7 be developed by the Attorney General.

8 (b) Any parent who believes his or her dispute has not
9 been resolved by the district attorney pursuant to Section
10 11350.10, and that further remedial action is required,
11 may request a hearing before the Attorney General or his
12 or her designated staff. A parent shall request a state
13 hearing if he or she has not exhausted the dispute
14 resolution process established pursuant to Section
15 11350.10 prior to making the request. A request for a state
16 hearing shall be submitted to the Attorney General
17 within 60 days of the district attorney giving the parent
18 a written response as required by subdivision (f) of
19 Section 11350.10.

20 (c) State hearings required by this section shall be
21 limited to the following issues:

22 (1) An application for child support services has been
23 denied or has not been acted upon within the required
24 timeframe.

25 (2) The district attorney has failed to take appropriate
26 action on the child support services case within the
27 required timeframe set by federal or state law.

28 (3) Child support collections have not been
29 distributed, or have been distributed incorrectly, as
30 required by federal or state law.

31 (4) The district attorney has closed a child support
32 case in violation of federal or state law.

33 (d) The following matters are not subject to a state
34 hearing:

35 (1) The decision of the district attorney to proceed or
36 to decline to proceed with criminal prosecution or civil
37 contempt charges.

38 (2) The amount of court order for support, including
39 current support and arrears.

(3) Any issue that is subject to the jurisdiction of the superior court.

(4) Any issue that is not subject to dispute resolution by district attorneys under Section 11350.10.

(e) The Attorney General may establish rules for administration and handling of state hearings required by this section.

(f) At the conclusion of a state hearing, the Attorney General may direct the district attorney to take specified remedial action to resolve a dispute described in subdivision (c) of Section 11350.10. The Attorney General may direct that a county be charged a fee for conducting the state hearing if it is determined that the dispute could have been but was not resolved by the local dispute resolution process. No fee shall be charged to the county if the complaint was not substantially justified, if the dispute was not within the child support responsibilities of the district attorney, or for any dispute not described in subdivision (c) of Section 11350.10. This fee shall be deemed a cost of providing dispute resolution services to the county and shall be deducted from the child support administrative revenues forwarded to the county by the state.

(g) The Bureau of State Audits shall audit the state hearing processes and the county dispute resolution processes, and report to the Assembly and Senate Judiciary Committees, by February 1, 2004.

(h) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.

SEC. 31. Section 11355 of the Welfare and Institutions Code is amended to read:

11355. (a) Notwithstanding any other provision of law, in any action filed by the district attorney pursuant to Section 11350, 11350.1, or 11475.1, a judgment shall be entered ~~if the defendant fails to file an answer or otherwise appear in the action within 30 days of service of process upon the defendant without hearing, without the presentation of any other evidence or further notice~~

1 to the defendant, upon the filing of proof of service by the
2 district attorney evidencing that more than 30 days have
3 passed since the simplified summons and complaint,
4 proposed judgment, blank answer, blank income and
5 expense declaration, and all notices required by this
6 article and Article 7 (commencing with Section 11475)
7 were served on the defendant.

8 (b) If the defendant fails to file an answer with the
9 court within 30 days of having been served as specified in
10 subdivision (c) of Section 11475.1, the proposed judgment
11 ~~filed with the original summons and complaint shall~~
12 ~~become effective~~ be conformed by the court as the final
13 judgment and a copy provided to the district attorney,
14 unless the district attorney has filed a declaration and
15 amended proposed judgment pursuant to subdivision
16 (c).

17 (c) If the district attorney receives additional financial
18 information within 30 days of service of the complaint and
19 proposed judgment on the defendant and the additional
20 information would result in a support order that is
21 different from the amount in the proposed judgment, the
22 district attorney shall file a declaration setting forth the
23 additional information and an amended proposed
24 judgment. The declaration and amended proposed
25 judgment shall be served on the defendant in compliance
26 with Section 1013 of the Code of Civil Procedure or
27 otherwise as provided by law. The defendant's time to
28 answer or otherwise appear shall be extended to 30 days
29 from the date of service of the declaration and amended
30 proposed judgment.

31 (d) Upon entry of the judgment, the clerk of the court
32 shall mail by ~~first-class mail, postage prepaid, a notice to~~
33 ~~the defendant that his or her default has been taken and~~
34 ~~that the proposed judgment has been entered~~ provide a
35 conformed copy of the judgment to the district attorney.
36 The district attorney shall mail by first-class mail, postage
37 prepaid, a notice of entry of judgment by default and a
38 copy of the judgment to the defendant to the address
39 where he or she was served with the summons and

1 *complaint and last known address if different than the*
2 *address of service.*

3 *SEC. 32. Section 11475 of the Welfare and Institutions*
4 *Code is amended to read:*

5 11475. (a) The ~~department~~ Attorney General is
6 hereby designated the single organizational unit whose
7 duty it shall be to administer the state plan for securing
8 child and spousal support and determining paternity.
9 State plan functions shall be performed by other agencies
10 as required by law, by delegation of the ~~department~~
11 Attorney General, or by cooperative agreements.

12 (b) The ~~director~~ Attorney General shall formulate,
13 adopt, amend, or repeal, in accordance with provisions of
14 Section 10554, regulations and general policies affecting
15 the purposes, responsibilities, and jurisdiction of the
16 department and which are consistent with law and
17 necessary for the administration of the state plan for
18 securing child and enforcing spousal support orders and
19 determining paternity. The ~~department, with the~~
20 ~~cooperation of the Department of Justice,~~ Attorney
21 General shall ~~insure~~ ensure that there is an adequate
22 organizational structure and sufficient staff to perform
23 functions delegated to any governmental unit relating to
24 Title IV-D of the federal Social Security Act.

25 *SEC. 33. Section 11475.05 is added to the Welfare and*
26 *Institutions Code, to read:*

27 11475.05. (a) The Legislature finds that a lack of
28 uniformity of procedures and processes from district
29 attorney to district attorney, court to court, and county to
30 county on child support cases and issues has created great
31 difficulty and confusion for parties. The purpose of the
32 requirements imposed by this section is to assure
33 uniformity of procedures and processes in child support
34 cases and issues and, thereby, to provide increased
35 service.

36 (b) In proceedings involving child support, every
37 district attorney shall follow uniform, statewide
38 procedures and processes for customer service and
39 complaint resolution that shall be developed by the
40 department, in consultation with the district attorneys

1 and with nonprofit child support advocates. On or before
2 March 31 of each year, the department shall clearly
3 communicate these procedures and processes to the
4 district attorneys of each county in writing.

5 ~~(e) Every court that hears child support cases and~~
6 ~~issues shall utilize uniform, statewide forms and~~
7 ~~procedures that shall be developed by the Judicial~~
8 ~~Council, in consultation with the department, district~~
9 ~~attorneys, and nonprofit child support advocates. These~~
10 ~~statewide forms and procedures shall be distributed to~~
11 ~~the courts on or before June 30, 2000, and updated by the~~
12 ~~Judicial Council as needed. The Judicial Council shall~~
13 ~~notify the courts of any changes to the statewide forms or~~
14 ~~procedures on or before June 30 of each year.~~

15 ~~SEC. 11.—~~

16 *SEC. 34. Section 11475.1 of the Welfare and*
17 *Institutions Code is amended to read:*

18 11475.1. (a) Each county shall maintain a single
19 organizational unit located in the office of the district
20 attorney which shall have the responsibility for promptly
21 and effectively establishing, modifying, and enforcing
22 child support obligations, including medical support,
23 enforcing spousal support orders established by a court of
24 competent jurisdiction, and determining paternity in the
25 case of a child born out of wedlock. The district attorney
26 shall take appropriate action, both civil and criminal, to
27 establish, modify, and enforce child support and, when
28 appropriate, enforce spousal support orders when the
29 child is receiving public assistance, including Medi-Cal,
30 and, when appropriate, may take the same actions on
31 behalf of a child who is not receiving public assistance,
32 including Medi-Cal. The district attorney shall refer all
33 child support delinquencies to the Franchise Tax Board
34 pursuant to Section 19271 of the Revenue and Taxation
35 Code.

36 (b) Actions brought by the district attorney to
37 establish paternity or child support or to enforce child
38 support obligations shall be completed within the time
39 limits set forth by federal law. The district attorney's
40 responsibility applies to spousal support only where the

1 spousal support obligation has been reduced to an order
2 of a court of competent jurisdiction. In any action brought
3 for modification or revocation of an order that is being
4 enforced under Title IV-D of the Social Security Act (42
5 U.S.C. Sec. 651 et seq.), the effective date of the
6 modification or revocation shall be as prescribed by
7 federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent
8 date.

9 (c) (1) The Judicial Council, in consultation with the
10 ~~department~~ *Attorney General* and representatives of the
11 California Family Support Council, the Senate
12 Committee on Judiciary, the Assembly Committee on
13 Judiciary, and a legal services organization providing
14 representation on child support matters, shall develop
15 simplified summons, complaint, and answer forms for any
16 action for support brought pursuant to this section or
17 Section 11350.1. The Judicial Council may combine the
18 summons and complaint in a single form.

19 (2) The simplified complaint form shall provide the
20 defendant with notice of the amount of child support that
21 is sought pursuant to the guidelines set forth in Article 2
22 (commencing with Section 4050) of Chapter 2 of Part 2
23 of the Family Code based upon the income or income
24 history of the defendant as known to the district attorney.
25 If the defendant's income or income history is unknown
26 to the district attorney, the complaint shall inform the
27 defendant that income shall be presumed in an amount
28 that results in a court order equal to the minimum basic
29 standard of adequate care provided in Section 11452
30 unless information concerning the defendant's income is
31 provided to the court. The complaint form shall be
32 accompanied by a proposed judgment. The complaint
33 form shall include a notice to the defendant that the
34 proposed judgment will become effective if he or she fails
35 to file an answer with the court within 30 days of service.

36 (3) (A) The simplified answer form shall be written in
37 simple English and shall permit a defendant to answer
38 and raise defenses by checking applicable boxes. The
39 answer form shall include instructions for completion of
40 the form and instructions for proper filing of the answer.



1 (B) The answer form shall be accompanied by a blank
2 income and expense declaration or simplified financial
3 statement and instructions on how to complete the
4 financial forms. The answer form shall direct the
5 defendant to file the completed income and expense
6 declaration or simplified financial statement with the
7 answer, but shall state that the answer will be accepted
8 by a court without the income and expense declaration or
9 simplified financial statement.

10 (C) The clerk of the court shall accept and file
11 answers, income and expense declarations, and simplified
12 financial statements that are completed by hand
13 provided they are legible.

14 (4) (A) The simplified complaint form prepared
15 pursuant to this subdivision shall be used by the district
16 attorney or the Attorney General in all cases brought
17 under this section or Section 11350.1.

18 (B) The simplified answer form prepared pursuant to
19 this subdivision shall be served on all defendants with the
20 simplified complaint. Failure to serve the simplified
21 answer form on all defendants shall not invalidate any
22 judgment obtained. However, failure to serve the answer
23 form may be used as evidence in any proceeding under
24 Section 11356 of this code or Section 473 of the Code of
25 Civil Procedure.

26 (C) The Judicial Council shall add language to the
27 governmental summons, for use by the district attorney
28 with the governmental complaint to establish parental
29 relationship and child support, informing defendants that
30 a blank answer form should have been received with the
31 summons and additional copies may be obtained from
32 either the district attorney's office or the superior court
33 clerk.

34 (d) In any action brought or enforcement proceedings
35 instituted by the district attorney pursuant to this section
36 for payment of child or spousal support, an action to
37 recover an arrearage in support payments may be
38 maintained by the district attorney at any time within the
39 period otherwise specified for the enforcement of a



1 support judgment, notwithstanding the fact that the child
2 has attained the age of majority.

3 (e) The county shall undertake an outreach program
4 to inform the public that the services described in
5 subdivisions (a) to (c), inclusive, are available to persons
6 not receiving public assistance. There shall be
7 prominently displayed in every public area of every office
8 of the units established by this section a notice, in clear
9 and simple language prescribed by the ~~Director of Social~~
10 ~~Services~~ *Attorney General*, that the services provided in
11 subdivisions (a) to (c), inclusive, are provided to all
12 individuals whether or not they are recipients of public
13 social services.

14 (f) In any action to establish a child support order
15 brought by the district attorney in the performance of
16 duties under this section, the district attorney may make
17 a motion for an order effective during the pendency of
18 that action, for the support, maintenance, and education
19 of the child or children that are the subject of the action.
20 This order shall be referred to as an order for temporary
21 support. This order shall have the same force and effect
22 as a like or similar order under the Family Code.

23 The district attorney shall file a motion for an order for
24 temporary support within the following time limits:

25 (1) If the defendant is the mother, a presumed father
26 under Section 7611 of the Family Code, or any father
27 where the child is at least six months old when the
28 defendant files his answer, the time limit is 90 days after
29 the defendant files an answer.

30 (2) In any other case where the defendant has filed an
31 answer prior to the birth of the child or not more than six
32 months after the birth of the child, then the time limit is
33 nine months after the birth of the child.

34 If more than one child is the subject of the action, the
35 limitation on reimbursement shall apply only as to those
36 children whose parental relationship and age would bar
37 recovery were a separate action brought for support of
38 that child or those children.

39 If the district attorney fails to file a motion for an order
40 for temporary support within time limits specified in this

1 section, the district attorney shall be barred from
2 obtaining a judgment of reimbursement for any support
3 provided for that child during the period between the
4 date the time limit expired and the motion was filed, or,
5 if no such motion is filed, when a final judgment is
6 entered.

7 Nothing in this section prohibits the district attorney
8 from entering into cooperative arrangements with other
9 county departments as necessary to carry out the
10 responsibilities imposed by this section pursuant to plans
11 of cooperation with the departments approved by the
12 ~~State Department of Social Services~~ *Attorney General*.

13 Nothing in this section shall otherwise limit the ability
14 of the district attorney from securing and enforcing
15 orders for support of a spouse or former spouse as
16 authorized under any other provision of law.

17 (g) As used in this article, “enforcing obligations”
18 includes, but is not limited to, (1) the use of all
19 interception and notification systems operated by the
20 ~~State Department of Social Services~~ *Attorney General* for
21 the purposes of aiding in the enforcement of support
22 obligations, (2) the obtaining by the district attorney of
23 an initial order for child support, which may include
24 medical support or which is for medical support only, by
25 civil or criminal process, (3) the initiation of a motion or
26 order to show cause to increase an existing child support
27 order, and the response to a motion or order to show cause
28 brought by an obligor parent to decrease an existing child
29 support order, or the initiation of a motion or order to
30 show cause to obtain an order for medical support, and
31 the response to a motion or order to show cause brought
32 by an obligor parent to decrease or terminate an existing
33 medical support order, without regard to whether the
34 child is receiving public assistance, (4) the response to a
35 notice of motion or order to show cause brought by an
36 obligor parent to decrease an existing spousal support
37 order when the child or children are residing with the
38 obligee parent and the district attorney is also enforcing
39 a related child support obligation owed to the obligee
40 parent by the same obligor, and (5) the use of the

1 collection services of the Franchise Tax Board to enforce
2 the collection of child support delinquencies under
3 Section 19271 of the Revenue and Taxation Code.

4 (h) As used in this section, “out of wedlock” means
5 that the biological parents of the child were not married
6 to each other at the time of the child’s conception.

7 (i) The district attorney is the public agency
8 responsible for administering wage withholding for the
9 purposes of Title IV-D of the Social Security Act (42
10 U.S.C. Sec. 651 et seq.). Notwithstanding any other law,
11 the district attorney shall utilize the collection services of
12 the Franchise Tax Board under Section 19271 of the
13 Revenue and Taxation Code.

14 Nothing in this section shall limit the authority of the
15 district attorney granted by other sections of this code or
16 otherwise granted by law, except to the extent that the
17 law is inconsistent with the requirement to refer child
18 support delinquencies to the Franchise Tax Board for
19 collection pursuant to Section 19271 of the Revenue and
20 Taxation Code.

21 (j) In the exercise of the authority granted under this
22 article, the district attorney may intervene, pursuant to
23 subdivision (b) of Section 387 of the Code of Civil
24 Procedure, by ex parte application, in any action under
25 the Family Code, or other proceeding wherein child
26 support is an issue or a reduction in spousal support is
27 sought. By notice of motion, order to show cause, or
28 responsive pleading served upon all parties to the action,
29 the district attorney may request such relief as
30 appropriate which the district attorney is authorized to
31 seek.

32 (k) The district attorney shall comply with any
33 guidelines established by the ~~State Department of Social~~
34 ~~Services~~ *Attorney General* which set time standards for
35 responding to requests for assistance in locating absent
36 parents, establishing paternity, establishing child support
37 awards, and collecting child support payments.

38 (l) As used in this article, medical support activities
39 which the district attorney is authorized to perform are
40 limited to the following:

1 (1) The obtaining and enforcing of court orders for
2 health insurance coverage.

3 (2) Any other medical support activity mandated by
4 federal law or regulation.

5 (m) (1) Notwithstanding any other provision of law,
6 venue for an action or proceeding under this part shall be
7 determined as follows:

8 (A) Venue shall be in the superior court in the county
9 that is currently expending public assistance.

10 (B) If public assistance is not currently being
11 expended, venue shall be in the superior court in the
12 county where the child who is entitled to current support
13 resides or is domiciled.

14 (C) If current support is no longer payable through, or
15 enforceable by, the district attorney, venue shall be in the
16 superior court in the county that last provided public
17 assistance for actions to enforce arrearages assigned
18 pursuant to Section 11477.

19 (D) If subparagraphs (A), (B), and (C) do not apply,
20 venue shall be in the superior court in the county of
21 residence of the support obligee.

22 (E) If the support obligee does not reside in California,
23 and subparagraphs (A), (B), (C), and (D) do not apply,
24 venue shall be in the superior court of the county of
25 residence of the obligor.

26 (2) Notwithstanding paragraph (1), if the child
27 becomes a resident of another county after an action
28 under this part has been filed, venue may remain in the
29 county where the action was filed until the action is
30 completed.

31 (n) The district attorney of one county may appear on
32 behalf of the district attorney of any other county in an
33 action or proceeding under this part.

34 *SEC. 35. Section 11475.2 of the Welfare and*
35 *Institutions Code is amended to read:*

36 11475.2. (a) If at any time the ~~Director of Social~~
37 ~~Services~~ Attorney General considers any public agency,
38 which is required by law, by delegation of the ~~department~~
39 Attorney General, or by cooperative agreement, to
40 perform functions relating to the state plan for securing

1 child and spousal support and determining paternity, to
2 be failing in a substantial manner to comply with any
3 provision of the state plan, the ~~director~~ *Attorney General*
4 shall put that agency on written notice to that effect.

5 The state plan concerning spousal support shall apply
6 only to spousal support included in a child support order.

7 In this chapter the term spousal support shall include
8 support for a former spouse.

9 (b) If the ~~director~~ *Attorney General* determines that
10 there is a failure on the part of that public agency to
11 comply with the provisions of the state plan, or if the State
12 Personnel Board certifies to the director that that public
13 agency is not in conformity with applicable merit system
14 standards under Part 2.5 (commencing with Section
15 19800) of Division 5 of Title 2 of the Government Code,
16 and that sanctions are necessary to secure compliance,
17 the ~~director~~ *Attorney General* may invoke either or both
18 of the following sanctions:

19 (1) Withhold part or all of state and federal funds,
20 including incentive funds, from that public agency until
21 the public agency shall make a showing to the ~~director~~
22 *Attorney General* of full compliance.

23 ~~(2) Notify the Attorney General that there has been a~~
24 ~~failure to comply with the state plan and the Attorney~~
25 ~~General shall take~~ *Take* appropriate action to secure
26 compliance.

27 (c) Notwithstanding Sections 15200 and 15204.2, in the
28 event of a federal statewide child support program audit,
29 review, or other measure of program compliance or
30 performance which results in the reduction of federal
31 funding for the Title IV-A program, the state shall fund
32 100 percent of the federal reduction to ensure the
33 continuation of funding for allowable aid payments and
34 related administrative costs associated with the AFDC
35 program.

36 (d) In the event of a federal determination to reduce
37 or modify federal funding for the Title IV-A program as
38 a result of improper or inadequate county administration
39 of the child and spousal support enforcement program,
40 the ~~department~~ *Attorney General* shall pass on to the

1 counties any federal sanction levied on or after January
2 1, 1991, regardless of the date of the underlying federal
3 audit, except for any sanctions resulting from the 1986
4 audit or federal followup. For the purposes of this section,
5 the date of levy is the date the federal government
6 actually reduces, withholds, or otherwise modifies the
7 state's funding.

8 (e) The sanction shall be assessed as follows:

9 (1) The state shall assume responsibility for 50 percent
10 of the total federal sanction.

11 (2) Each county shall be assessed an amount equal to
12 the amount of increased county costs which would occur
13 based on application of Sections 15200 and 15204.2.

14 (3) For each county found to be out of compliance
15 based on the reviews conducted pursuant to Section
16 15200.8, the county shall be assessed an amount equal to
17 one-half the rate of the federal sanction multiplied by the
18 county's total federal Title IV-A program funding.

19 (4) For each county found to be marginally in
20 compliance based on the reviews conducted pursuant to
21 Section 15200.8, the county shall be assessed an amount
22 equal to one-quarter the rate of the federal sanction
23 multiplied by the county's total federal Title IV-A
24 program funding. For the purposes of this section, a
25 county is marginally in compliance if it attains at least 75
26 percent, but not more than 80 percent, compliance with
27 case processing criteria.

28 (5) In the event the amount of the federal sanction is
29 less than the amount required to apply paragraphs (1),
30 (2), (3), and (4), county liability under paragraph (4)
31 shall be reduced accordingly. In the event county liability
32 under paragraph (4) is eliminated and the amount of the
33 federal sanction is less than the amount required to apply
34 paragraphs (1), (2), and (3), county liability under
35 paragraph (3) shall be reduced accordingly.

36 (6) The review pursuant to Section 15200.8 which was
37 conducted closest to the date the federal sanction was
38 levied shall be used to determine which counties are out
39 of compliance and marginally in compliance.

(f) There shall be established a sanction credit which shall consist of any net increase in state revenue resulting from any increase of more than 9 ³/₄ percent in distributed collections on behalf of families receiving ~~Aid to Families with Dependent Children~~ *CalWORKs* benefits for each of the previous three state fiscal years.

(1) The balance of the sanction after application of subdivision (e) shall be reduced by the amount of the sanction credit.

(2) In the event the sanction credit exceeds the balance of the sanction after application of paragraph (1), the amount exceeding the balance shall be used to reduce the liability of marginally compliant counties under paragraph (4) of subdivision (e). Any further balance shall be used to reduce the liability of out-of-compliance counties under paragraph (3) of subdivision (e).

(3) In the event the sanction credit does not fully offset the balance of the sanction after application of paragraph (1), the state shall be responsible for 50 percent of the unmet balance, and the remaining 50 percent shall be distributed to all counties in proportion to their total Title IV-A program funding.

(g) The sanction assessed a county pursuant to this section shall be levied as a general assessment against the county. Notwithstanding Section 15200.97, a county may use any funds paid to that county pursuant to Sections 15200.1, 15200.2, 15200.3, 15200.6, 15200.7, 15200.85, 15200.9, and 15200.95 over and above the county's cost of administering the child support program to supplant any county funds reduced under this section.

(h) In the event of any other audit or review which results in the reduction or modification of federal funding for the program under Part D (commencing with Section 652) of Subchapter IV of Title 42 of the United States Code, the sanction shall be assessed against those counties specifically cited in the federal findings in the amount cited in those findings.

(i) The ~~department~~ *Attorney General* shall establish a process whereby any county assessed a portion of any

1 sanction may appeal the ~~department's~~ Attorney
2 General's decision.

3 (j) Nothing in this section shall be construed as
4 relieving the board of supervisors of the responsibility to
5 provide funds necessary for the continued operation of
6 the state plan as required by law.

7 SEC. 36. Section 11475.4 of the Welfare and
8 Institutions Code is amended to read:

9 11475.4. (a) Effective October 1, 1998, the state shall
10 operate a Child Support Centralized Collection and
11 Distribution Unit as required by federal law (42 U.S.C.
12 Secs. 654 (27), 654a(g), and 654b).

13 (b) The Child Support Collection and Enforcement
14 Advisory Committee is hereby created to review and
15 make recommendations regarding the development and
16 implementation of the Child Support Centralized
17 Collection and Distribution Unit. The advisory
18 committee shall include, but not be limited to, the
19 ~~Director of Social Services Attorney General~~ or a
20 ~~designee from the State Department of Social Services of~~
21 ~~the Attorney General~~, who shall serve as the chairperson
22 and convene the advisory committee, and
23 representatives from the Franchise Tax Board, the
24 Health and Welfare Agency Data Center, the
25 Department of Information Technology, the California
26 District Attorneys Association, the California State
27 Association of Counties, the California Welfare Directors
28 Association, the California Payroll Association, and
29 representatives of the Legislature.

30 ~~(e) On the effective date of this section, the State~~
31 ~~Department of Social Services shall deliver to the~~
32 ~~advisory committee the working draft report of the~~
33 ~~feasibility study conducted by Warner Group for~~
34 ~~purposes of developing a Child Support Centralized~~
35 ~~Collection and Distribution Unit.~~

36 ~~(d)~~

37 (c) The advisory committee shall examine the ~~Warner~~
38 ~~Group draft report~~ *working draft report of the feasibility*
39 *study conducted by Warner Group for purposes of*
40 *developing a Child Support Centralized Collection and*

1 *Distribution Unit*, obtain clarification from Warner
2 Group, determine the status of the Statewide Automated
3 Child Support System (SACSS) in regards to its impact on
4 the development of the Child Support Centralized
5 Collection and Distribution Unit, determine the
6 requirements of federal law, and submit an interim
7 progress report, including any recommendations for
8 action, to the Legislature no later than October 1, 1997.

9 ~~(e)~~

10 (d) The advisory committee shall make
11 recommendations to the Legislature for implementation
12 of the Child Support Centralized Collection and
13 Distribution Unit, including recommendations for
14 deficiency budget requests if necessary, no later than
15 December 31, 1997.

16 *SEC. 37. Section 11475.5 of the Welfare and*
17 *Institutions Code is amended to read:*

18 11475.5. (a) The ~~State Department of Social Services~~
19 *Attorney General* shall publish a booklet describing the
20 proper procedures and processes for the collection and
21 payment of child and spousal support. The booklet shall
22 be written in language understandable to the lay person
23 and shall direct the reader to obtain the assistance of the
24 local district attorney's office or legal counsel where
25 appropriate. The department may contract on a
26 competitive basis with an organization or individual to
27 write the booklet.

28 (b) The ~~department~~ *Attorney General* shall have
29 primary responsibility for the design and development of
30 the contents of the booklet. The ~~department~~ *Attorney*
31 *General* shall solicit ~~comment~~ *comments* regarding the
32 content of the booklet from the Director of the
33 Administrative Office of the Courts. The ~~—department~~
34 *Attorney General* shall verify the appropriateness and
35 accuracy of the contents of the booklet with at least one
36 representative of each of the following organizations:

- 37 (1) A county district attorney's office.
- 38 ~~(2) The State Attorney General's office.~~
- 39 ~~(3)~~
- 40 (2) The California Family Support Council.

1 ~~(4)–~~

2 (3) A community organization which advocates for
3 the rights of custodial parents.

4 ~~(5)–~~

5 (4) A community organization which advocates for
6 the rights of supporting parents.

7 (c) Upon receipt of booklets on support collection,
8 each county welfare department shall provide a copy to
9 each head of household whose application for public
10 assistance under this chapter has been approved and for
11 whom support rights have been assigned pursuant to
12 Section 11477. The ~~State Department of Social Services~~
13 *Attorney General* shall provide copies of the booklet to
14 district attorneys' offices for distribution, and to any
15 person upon request. The ~~department~~ *Attorney General*
16 shall also distribute the booklets to all superior courts.
17 Upon receipt of those booklets, each clerk of the court
18 shall provide two copies of the booklet to the petitioner
19 or plaintiff in any action involving the support of a minor
20 child. The moving party shall serve a copy of the booklet
21 on the responding party.

22 (d) The ~~department~~ *Attorney General* shall expand
23 the information provided under its toll-free information
24 hotline in response to inquiries regarding the process and
25 procedures for collection and payment of child and
26 spousal support. This toll-free number shall be advertised
27 as providing information on child and spousal support.
28 The hotline personnel shall not provide legal consultation
29 or advice, but shall provide only referral services.

30 (e) The ~~department~~ *Attorney General* shall maintain
31 a file of referral sources to provide callers to the telephone
32 hotline with the following information specific to the
33 county in which the caller resides:

34 (1) The location and phone number of the district
35 attorney's office, the county welfare office, and any other
36 government agency which handles child and spousal
37 support matters.

38 (2) The telephone number of the local bar association
39 for referral to attorneys in family law practice.

(3) The name and telephone number of at least one organization which advocates the payment of child and spousal support or the name and telephone number of at least one organization which advocates the rights of supporting parents, if these organizations exist in the county.

SEC. 38. Section 11475.6 is added to the Welfare and Institutions Code, to read:

11475.6. In carrying out duties under this article, the district attorney shall interview the custodial parent within 10 business days of opening a child support case. This interview shall solicit financial and all other information about the noncustodial parent. This information shall be acted upon immediately. The district attorney shall reinterview the custodial parent as needed.

SEC. 39. Section 11475.7 is added to the Welfare and Institutions Code, to read:

11475.7. (a) District attorneys shall maintain toll-free telephone numbers for use by the public that have questions about a child support case assigned to the district attorney.

(b) This telephone number shall be provided on all communications from the district attorney relative to any specific child support case.

(c) The district attorney shall sufficiently staff this telephone system so as to minimize or eliminate time spent by callers waiting to speak with a district attorney representative and maximize information provided on the telephone according to standards set by the Attorney General.

(d) The Attorney General shall review successful toll-free call center operations used by other agencies, companies, and organizations and determine appropriate statewide standards for this telephone system. These standards shall include goals for average wait for a person to reach staff, average length of call, number of calls per day, number of calls abandoned (caller hung up before reaching staff), number of calls deflected (caller received a busy signal or message), average length of time that a

1 call is in the “queue,” staff ratios of number of calls per
2 worker; and other relevant information.

3 (e) Nothing in this section shall prohibit district
4 attorneys from utilizing joint powers agreements or other
5 methods of two or more district attorneys sharing a single
6 toll-free telephone system.

7 SEC. 40. Section 11475.8 of the Welfare and
8 Institutions Code is amended to read:

9 11475.8. (a) The Legislature finds and declares all of
10 the following:

11 (1) The Legislative Analyst has found that county
12 child support enforcement programs provide a net
13 increase in revenues to the state.

14 (2) The state has a fiscal interest in ensuring that
15 county child support enforcement programs perform
16 efficiently.

17 (3) The state does not provide information to counties
18 on child support enforcement programs, based on
19 common denominators that would facilitate comparison
20 of program performance.

21 (4) Providing this information would allow county
22 officials to monitor program performance and to make
23 appropriate modifications to improve program
24 efficiency.

25 (5) This information is required for effective
26 management of the child support program.

27 (b) (1) Except as provided in paragraph (2),
28 commencing with the 1998–99 fiscal year, and for each
29 fiscal year thereafter, each county that is participating in
30 the state incentive program described in Section 15200.81
31 shall provide to the ~~department~~ Attorney General, and
32 the ~~department~~ Attorney General shall compile from this
33 county child support information, quarterly and
34 annually, all of the following performance-based data, as
35 established by the federal incentive funding system,
36 provided that the ~~department~~ Attorney General may
37 revise the data required by this paragraph in order to
38 conform to the final federal incentive system data
39 definitions:

(A) One of the following data relating to paternity establishment, as required by the ~~department~~ *Attorney General*, provided that the ~~department~~ *Attorney General* shall require all counties to report on the same measurement:

(i) The total number of children in the caseload governed by Subtitle D (commencing with Section 450) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 650 et seq.), as of the end of the federal fiscal year, who were born to unmarried parents for whom paternity was established or acknowledged, and the total number of children in that caseload, as of the end of the preceding federal fiscal year, who were born to unmarried parents.

(ii) The total number of minor children who were born in the state to unmarried parents for whom paternity was established or acknowledged during a federal fiscal year, and the total number of children in the state born to unmarried parents during the preceding federal fiscal year.

(B) The number of cases governed by Subtitle D (commencing with Section 450) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 650 et seq.) during the federal fiscal year and the total number of those cases with support orders.

(C) The total dollars collected during the federal fiscal year for current support in cases governed by Subtitle D (commencing with Section 450) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 650 et seq.) and the total number of dollars owing for current support during that federal fiscal year in cases governed by those provisions.

(D) The total number of cases for the federal fiscal year governed by Subtitle D (commencing with Section 450) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 650 et seq.) in which payment was being made toward child support arrearages and the total number of cases for that fiscal year governed by these federal provisions that had child support arrearages.

(E) The total number of dollars collected and expended during a federal fiscal year in cases governed

1 by Subtitle D (commencing with Section 450) of Title IV
2 of the federal Social Security Act (42 U.S.C. Sec. 650 et
3 seq.).

4 (F) The total amount of child support dollars collected
5 during a federal fiscal year, and, if and when required by
6 federal law, the amount of these collections broken down
7 by collections distributed on behalf of current recipients
8 of federal Temporary Assistance for Needy Families
9 block grant funds or federal foster care funds, on behalf
10 of former recipients of federal Temporary Assistance for
11 Needy Families block grant funds or federal foster care
12 funds, or on behalf of persons who have never been
13 recipients of these federal funds.

14 (2) A county may apply for an exemption from any or
15 all of the reporting requirements of paragraph (1) for the
16 1998–99 state fiscal year or any quarter of that fiscal year,
17 as well as for the first quarter of the 1999–2000 fiscal year,
18 by submitting an application for the exemption to the
19 department at least three months prior to the
20 commencement of the fiscal year or quarter for which the
21 exemption is sought. A county shall provide a separate
22 justification for each data element under paragraph (1)
23 for which the county is seeking an exemption and the cost
24 to the county of providing the data. The ~~department~~
25 *Attorney General* may not grant an exemption for more
26 than one year. The ~~department~~ *Attorney General* may
27 grant a single exemption only if both of the following
28 conditions are met:

29 (A) The county cannot compile the data being sought
30 through its existing automated system or systems.

31 (B) The county cannot compile the data being sought
32 through manual means or through an enhanced
33 automated system or systems without significantly
34 harming the child support collection efforts of the county.

35 (c) Except as provided in paragraph (6), before
36 implementation of the state child support computers, the
37 statewide automated system, and the Los Angeles
38 Automated Child Support Enforcement Replacement
39 System (ARS), in addition to the information required by
40 subdivision (b), the ~~department~~ *Attorney General* shall

1 collect, on a monthly basis, from each county that is
2 participating in the state incentive program described in
3 Section 15200.81, information on the county child support
4 enforcement program beginning with the 1998–99 fiscal
5 year, and for each subsequent fiscal year, and shall report
6 quarterly and annually on all of the following
7 measurements:

8 (1) For each of the following support collection
9 categories, the number of cases with support collected
10 shall include only the number of cases actually receiving
11 a collection, not the number of payments received. For
12 purposes of determining the number of cases with an
13 order of current support and the number of cases in
14 which current support is being collected, cases with a
15 medical support order that do not have an order for
16 current support shall not be counted.

17 (A) The number of cases with an order for current
18 support.

19 (B) The number of cases with collections of current
20 support.

21 (C) The number of cases with an order for arrears.

22 (D) The number of cases with arrears collections.

23 (2) The number of alleged fathers or obligors who
24 were served with a summons and complaint to establish
25 paternity or a support order. In order to be counted
26 under this paragraph, the alleged father or obligor shall
27 be successfully served with process. An alleged father
28 shall be counted under this paragraph only once if he is
29 served with process simultaneously for both a paternity
30 and a support order proceeding for the same child or
31 children. For purposes of this paragraph, a support order
32 shall include a medical support order.

33 (3) The number of children requiring paternity
34 establishment and the number of children for whom
35 paternity has been established during the period.
36 Paternity may only be established once for each child.
37 Any child for whom paternity is not at issue shall not be
38 counted in the number of children for whom paternity
39 has been established. For this purpose, paternity is not at
40 issue if the parents were married and neither parent

1 challenges paternity or a voluntary paternity declaration
2 has been executed by the parents prior to the county
3 child support enforcement program obtaining the case
4 and neither parent challenges paternity.

5 (4) The number of cases requiring that a support order
6 be established and the number of cases that had a support
7 order established during the period. A support order shall
8 be counted as established only when the appropriate
9 court has issued an order for child support, including an
10 order for temporary child support, or an order for
11 medical support.

12 (5) The total cost of administering the county child
13 support enforcement program, including the federal,
14 state, and county share of the costs, and the federal and
15 state incentives received by each county. The total cost
16 of administering the program shall be broken down by
17 the following:

18 (A) The direct costs of the program, broken down
19 further by total employee salaries and benefits, a list of
20 the number of employees broken down into at least the
21 following categories: attorneys, administrators,
22 caseworkers, investigators, and clerical support;
23 contractor costs; space charges; and payments to other
24 county agencies. Employee salaries and numbers need
25 only be reported in the annual report.

26 (B) The indirect costs, showing all overhead charges.

27 (6) A county may apply for an exemption from any or
28 all of the reporting requirements of this subdivision for a
29 fiscal year by submitting an application for the exemption
30 to the ~~department~~ *Attorney General* at least three
31 months prior to the commencement of the fiscal year or
32 quarter for which the exemption is sought. A county shall
33 provide a separate justification for each data element
34 under this subdivision for which the county is seeking an
35 exemption and the cost to the county of providing the
36 data. The ~~department~~ *Attorney General* may not grant an
37 exemption for more than one year. The ~~—department~~
38 *Attorney General* may grant a single exemption only if
39 both of the following conditions are met:

1 (A) The county cannot compile the data being sought
2 through its existing automated system or systems.

3 (B) The county cannot compile the data being sought
4 through manual means or through an enhanced
5 automated system or systems without significantly
6 harming the child support collection efforts of the county.

7 (d) After implementation of the statewide automated
8 system, and ARS, in addition to the information required
9 by subdivision (b), the ~~department~~ *Attorney General*
10 shall collect, on a monthly basis, from each county that is
11 participating in the state incentive program described in
12 Section 15200.81, information on the county child support
13 enforcement program beginning with the 1998–99 fiscal
14 year or a later fiscal year, as appropriate, and for each
15 subsequent fiscal year, and shall report quarterly and
16 annually on all of the following measurements:

17 (1) For each of the following support collection
18 categories, the number of cases with support collected
19 shall include only the number of cases actually receiving
20 a collection, not the number of payments received.

21 (A) (i) The number of cases with collections for
22 current support.

23 (ii) The number of cases with arrears collections only.

24 (iii) The number of cases with both current support
25 and arrears collections.

26 (B) For cases with current support only due.

27 (i) The number of cases in which the full amount of
28 current support owed was collected.

29 (ii) The number of cases in which some amount of
30 current support, but less than the full amount of support
31 owed, was collected.

32 (iii) The number of cases in which no amount of
33 support owed was collected.

34 (C) For cases in which arrears only were owed:

35 (i) The number of cases in which all arrears owed were
36 collected.

37 (ii) The number of cases in which some amount of
38 arrears, but less than the full amount of arrears owed,
39 were collected.

1 (iii) The number of cases in which no amount of
2 arrears owed were collected.

3 (D) For cases in which both current support and
4 arrears are owed:

5 (i) The number of cases in which the full amount of
6 current support and arrears owed were collected.

7 (ii) The number of cases in which some amount of
8 current support and arrears, but less than the full amount
9 of support owed, were collected.

10 (iii) The number of cases in which no amount of
11 support owed was collected.

12 (E) The total number of cases in which an amount was
13 due for current support only.

14 (F) The total number of cases in which an amount was
15 due for both current support and arrears.

16 (G) The total number of cases in which an amount was
17 due for arrears only.

18 (H) For cases with current support due, the number
19 of cases without orders for medical support and the
20 number of cases with an order for medical support.

21 (2) The number of alleged fathers or obligors who
22 were served with a summons and complaint to establish
23 paternity or a support order, and the number of alleged
24 fathers or obligors for whom it is required that paternity
25 or a support order be established. In order to be counted
26 under this paragraph, the alleged father or obligor shall
27 be successfully served with process. An alleged father
28 shall be counted under this paragraph only once if he is
29 served with process simultaneously for both a paternity
30 and a support order proceeding for the same child or
31 children. For purposes of this paragraph, a support order
32 shall include a medical support order.

33 (3) The number of new asset seizures or successful
34 initial collections on a wage assignment for purposes of
35 child support collection. For purposes of this paragraph,
36 a collection made on a wage assignment shall be counted
37 only once for each wage assignment issued.

38 (4) The number of children requiring paternity
39 establishment and the number of children for whom
40 paternity has been established during the period.

1 Paternity may only be established once for each child.
 2 Any child for whom paternity is not at issue shall not be
 3 counted in the number of children for whom paternity
 4 has been established. For this purpose, paternity is not at
 5 issue if the parents were married and neither parent
 6 challenges paternity or a voluntary paternity declaration
 7 has been executed by the parents prior to the county
 8 child support enforcement program obtaining the case
 9 and neither parent challenges paternity.

10 (5) The number of cases requiring that a support order
 11 be established and the number of cases that had a support
 12 order established during the period. A support order shall
 13 be counted as established only when the appropriate
 14 court has issued an order for child support, including an
 15 order for temporary child support, or an order for
 16 medical support.

17 (6) The total cost of administering the county child
 18 support enforcement program, including the federal,
 19 state, and county share of the costs and the federal and
 20 state incentives received by each county. The total cost
 21 of administering the program shall be broken down by
 22 the following:

23 (A) The direct costs of the program, broken down
 24 further by total employee salaries and benefits, a list of
 25 the number of employees broken down into at least the
 26 following categories: attorneys, administrators,
 27 caseworkers, investigators, and clerical support;
 28 contractor costs; space charges; and payments to other
 29 county agencies. Employee salaries and numbers need
 30 only be reported in the annual report.

31 (B) The indirect costs, showing all overhead charges.

32 (7) The total child support collections due, broken
 33 down by current support, interest on arrears, and
 34 principal, and the total child support collections that have
 35 been collected, broken down by current support, interest
 36 on arrears, and principal.

37 (8) The actual case status for all cases in the county
 38 child support enforcement program. Each case shall be
 39 reported in one case status only. If a case falls within more
 40 than one status category, it shall be counted in the first

1 status category of the list set forth below in which it
2 qualifies. The following shall be the case status choices:

3 (A) No support order, location of obligor parent
4 required.

5 (B) No support order, alleged obligor parent located
6 and paternity required.

7 (C) No support order, location and paternity not at
8 issue but support order must be established.

9 (D) Support order established with current support
10 obligation and obligor is in compliance with support
11 obligation.

12 (E) Support order established with current support
13 obligation, obligor is in arrears and location of obligor is
14 necessary.

15 (F) Support order established with current support
16 obligation, obligor is in arrears, and location of obligor's
17 assets is necessary.

18 (G) Support order established with current support
19 obligation, obligor is in arrears and no location of obligor
20 or obligor's assets is necessary.

21 (H) Support order established with current support
22 obligation, obligor is in arrears, the obligor is located, but
23 the district attorney has established satisfactorily that the
24 obligor has no income or assets and no ability to earn.

25 (I) Support order established with current support
26 obligation and arrears, obligor is paying the current
27 support and is paying some or all of the interest on the
28 arrears, but is paying no principal.

29 (J) Support order established for arrears only and
30 obligor is current in repayment obligation.

31 (K) Support order established for arrears only, obligor
32 is not current in arrears repayment schedule and location
33 of obligor is required.

34 (L) Support order established for arrears only, obligor
35 is not current in arrears repayment schedule and location
36 of obligor's assets is required.

37 (M) Support order established for arrears only, obligor
38 is not current in arrears repayment schedule, and no
39 location of obligor or obligor's assets is required.



1 (N) Support order established for arrears only, obligor
2 is not current in arrears repayment, and the obligor is
3 located, but the district attorney has established
4 satisfactorily that the obligor has no income or assets and
5 no ability to earn.

6 (O) Support order established for arrears only and
7 obligor is repaying some or all of the interest, but no
8 principal.

9 (P) Other, if necessary, to be defined in the
10 regulations promulgated under subdivision (e).

11 (e) Upon implementation of the statewide automated
12 system, and ARS, or at such time as the ~~department~~
13 *Attorney General* determines that compliance with this
14 subdivision is possible, each county that is participating in
15 the state incentive program described in Section 15200.81
16 shall collect and report, and the ~~department~~ *Attorney*
17 *General* shall compile for each participating county,
18 information on the county child support program in each
19 fiscal year, all of the following data, in a manner that
20 facilitates comparison of counties and the entire state,
21 except that the ~~department~~ *Attorney General* may
22 eliminate or modify the requirement to report any data
23 mandated to be reported pursuant to this subdivision if
24 the ~~department~~ *Attorney General* determines that the
25 district attorneys are unable to accurately collect and
26 report the information or that collecting and reporting of
27 the data by the district attorneys will be onerous:

28 (1) The number of alleged obligors or fathers who
29 receive CalWORKs benefits, food stamp benefits, and
30 Medi-Cal benefits.

31 (2) The number of obligors or alleged fathers who
32 were in state prison or county jail.

33 (3) The number of obligors or alleged fathers who do
34 not have a social security number.

35 (4) The number of obligors or alleged fathers whose
36 address is unknown.

37 (5) The number of obligors or alleged fathers whose
38 complete name, consisting of at least a first and last name,
39 is not known by the county district attorney's office.

1 (6) The number of obligors or alleged fathers who filed
2 a tax return with the Franchise Tax Board in the last year
3 for which a data match is available.

4 (7) The number of obligors or alleged fathers who
5 have no income reported to the Employment
6 Development Department during the third quarter of
7 the fiscal year.

8 (8) The number of obligors or alleged fathers who
9 have income between one dollar (\$1) and five hundred
10 dollars (\$500) reported to the Employment
11 Development Department during the third quarter of
12 the fiscal year.

13 (9) The number of obligors or alleged fathers who
14 have income between five hundred one dollars (\$501)
15 and one thousand five hundred dollars (\$1,500) reported
16 to the Employment Development Department during
17 the third quarter of the fiscal year.

18 (10) The number of obligors or alleged fathers who
19 have income between one thousand five hundred one
20 dollars (\$1,501) and two thousand five hundred dollars
21 (\$2,500) reported to the Employment Development
22 Department during the third quarter of the fiscal year.

23 (11) The number of obligors or alleged fathers who
24 have income between two thousand five hundred one
25 dollars (\$2,501) and three thousand five hundred dollars
26 (\$3,500) reported to the Employment Development
27 Department during the third quarter of the fiscal year.

28 (12) The number of obligors or alleged fathers who
29 have income between three thousand five hundred one
30 dollars (\$3,501) and four thousand five hundred dollars
31 (\$4,500) reported to the Employment Development
32 Department during the third quarter of the fiscal year.

33 (13) The number of obligors or alleged fathers who
34 have income between four thousand five hundred one
35 dollars (\$4,501) and five thousand five hundred dollars
36 (\$5,500) reported to the Employment Development
37 Department during the third quarter of the fiscal year.

38 (14) The number of obligors or alleged fathers who
39 have income between five thousand five hundred one
40 dollars (\$5,501) and six thousand five hundred dollars



1 (\$6,500) reported to the Employment Development
2 Department during the third quarter of the fiscal year.

3 (15) The number of obligors or alleged fathers who
4 have income between six thousand five hundred one
5 dollars (\$6,501) and seven thousand five hundred dollars
6 (\$7,500) reported to the Employment Development
7 Department during the third quarter of the fiscal year.

8 (16) The number of obligors or alleged fathers who
9 have income between seven thousand five hundred one
10 dollars (\$7,501) and nine thousand dollars (\$9,000)
11 reported to the Employment Development Department
12 during the third quarter of the fiscal year.

13 (17) The number of obligors or alleged fathers who
14 have income exceeding nine thousand dollars (\$9,000)
15 reported to the Employment Development Department
16 during the third quarter of the fiscal year.

17 (18) The number of obligors or alleged fathers who
18 have two or more employers reporting earned income to
19 the Employment Development Department during the
20 third quarter of the fiscal year.

21 (19) The number of obligors or alleged fathers who
22 receive unemployment benefits during the third quarter
23 of the fiscal year.

24 (20) The number of obligors or alleged fathers who
25 receive state disability benefits during the third quarter
26 of the fiscal year.

27 (21) The number of obligors or alleged fathers who
28 receive workers' compensation benefits during the third
29 quarter of the fiscal year.

30 (22) The number of obligors or alleged fathers who
31 receive Social Security Disability Insurance benefits
32 during the third quarter of the fiscal year.

33 (23) The number of obligors or alleged fathers who
34 receive Supplemental Security Income/State
35 Supplementary Program for the Aged, Blind and
36 Disabled benefits during the third quarter of the fiscal
37 year.

38 (f) The ~~department~~ *Attorney General*, in consultation
39 with the Legislative Analyst's office, the Judicial Council,
40 the California Family Support Council, and child support

1 advocates, shall develop regulations to ensure that all
2 county child support enforcement programs report the
3 data required by this section uniformly and consistently
4 throughout California.

5 (g) The ~~department~~ Attorney General shall provide
6 the information for all participating counties for the
7 1998–99 fiscal year to each member of a county board of
8 supervisors, county executive officer, district attorney,
9 and the appropriate policy committees and fiscal
10 committees of the Legislature by December 31, 1999. The
11 ~~department~~ Attorney General shall provide the
12 information for each subsequent fiscal quarter and fiscal
13 year no later than three months following the end of the
14 fiscal quarter and no later than nine months following the
15 end of the fiscal year. The ~~department~~ Attorney General
16 shall present the information in a manner that facilitates
17 comparison of county performance.

18 (h) For purposes of this section, “case” means a
19 noncustodial parent, whether mother, father, or putative
20 father, who is, or eventually may be, obligated under law
21 for support of a child or children. For purposes of this
22 definition, a noncustodial parent shall be counted once
23 for each family that has a dependent child he or she may
24 be obligated to support.

25 (i) This section shall be operative only for as long as
26 Section 15200.92 requires participating counties to report
27 data to the ~~department~~ Attorney General.

28 *SEC. 41. Section 11475.10 is added to the Welfare and*
29 *Institutions Code, to read:*

30 *11475.10. (a) It is the intent of the Legislature that,*
31 *whenever possible, practical, and consistent with due*
32 *process of law, the use of Judicial Council forms shall be*
33 *mandatory in all actions filed by the district attorney,*
34 *whether as an initial pleading or action in intervention,*
35 *pursuant to Section 11350, 11350.1, or 11475.1.*

36 *(b) The Judicial Council, in consultation with the*
37 *department and representatives of the California Family*
38 *Support Council, the Attorney General, the Senate*
39 *Committee on Judiciary, the Assembly Committee on*
40 *Judiciary, and nonprofit organizations recognized as*

1 *representing the interests of obligor and obligee parents,*
2 *shall develop by December 31, 2000, simplified pleading*
3 *forms for use by litigants in all actions stated in subdivision*
4 *(a). Use of the forms shall be mandatory.*

5 *(c) The Judicial Council shall continue the process of*
6 *consultation with the organizations referred to in*
7 *subdivision (b) annually to review the use of the forms*
8 *previously promulgated to insure that they meet the*
9 *pleading requirements of litigants to the greatest extent*
10 *possible without alteration or deviation. The Judicial*
11 *Council shall update forms and notify courts of updates as*
12 *appropriate to reflect changes in law or other actions*
13 *requiring updates in forms.*

14 *SEC. 42. Section 11475.11 is added to the Welfare and*
15 *Institutions Code, to read:*

16 *11475.11. The Attorney General shall develop*
17 *uniform forms that are required to be completed by*
18 *applicants and recipients of Title IV-D of the federal*
19 *Social Security Act (42 U.S.C. Sec. 651) services,*
20 *including, but not limited to custodial and noncustodial*
21 *parents. These forms shall be provided to district*
22 *attorneys and developed by the Attorney General in*
23 *consultation with nonprofit custodial and noncustodial*
24 *child support advocates and district attorneys. The*
25 *Attorney General shall update these forms periodically as*
26 *appropriate.*

27 *SEC. 43. Section 11475.12 is added to the Welfare and*
28 *Institutions Code, to read:*

29 *11475.12. (a) The Attorney General shall develop a*
30 *toll-free telephone number for use by the public when*
31 *they are having difficulty reaching resolution with the*
32 *district attorney. The telephone number shall be posted*
33 *in each public office of the district attorney. District*
34 *attorney staff shall provide this telephone number to any*
35 *individual who asks for further review or assistance*
36 *beyond that provided by the district attorney.*

37 *(b) The telephone system shall be staffed or allow for*
38 *automated access 24 hours a day. Staff shall be trained in*
39 *complaint resolution, and shall have automated access to*

1 all California child support case actions when a statewide
2 automated system is fully implemented.

3 (c) The Attorney General shall develop a data base of
4 information extracted from calls received in the toll-free
5 telephone system. The Attorney General shall utilize this
6 information to develop corrective actions where district
7 attorneys are having customer service difficulties. This
8 information shall include, but not be limited to, the
9 number of callers reporting problems with payments,
10 disputed arrears, amount of accruing interest, untimely
11 processing of case, confidentiality concerns, lack of
12 information, rude or unprofessional behavior by the
13 district attorney, and discrimination.

14 SEC. 44. Section 11475.13 is added to the Welfare and
15 Institutions Code, to read:

16 11475.13. The Attorney General shall establish
17 appropriate worker-to-caseload ratios for district
18 attorneys. Additionally, the Attorney General shall
19 develop and provide uniform training for case workers,
20 district attorneys, and other staff as appropriate. The
21 Attorney General shall consult with nonprofit child
22 support advocates, district attorneys, organized labor,
23 and other appropriate organizations in implementing
24 this section.

25 SEC. 45. Section 11476.6 of the Welfare and
26 Institutions Code is amended to read:

27 11476.6. Each district attorney shall submit to the
28 ~~department~~ Attorney General data revealing the range
29 and median time periods by which notification of the
30 receipt of child support payments collected on behalf of
31 a family receiving aid under this chapter is made to the
32 local welfare department. The data shall contain the
33 number and percentage of cases in which the payments
34 described herein are conveyed within the time period
35 prescribed by federal law. By April 1, 1987, the
36 ~~department~~ Attorney General shall submit to the
37 appropriate policy and fiscal committees of each house of
38 the Legislature a report detailing and analyzing the data
39 received from the district attorneys and explaining
40 whatever failure to satisfy the time limits imposed by the

1 federal law is revealed by the data. The report shall also
2 include an estimate of the time by which an accounting
3 of the amounts of child support received and paid to
4 families pursuant to this section can be provided on a
5 monthly basis to those families.

6 *SEC. 46. Section 11478.3 is added to the Welfare and*
7 *Institutions Code, to read:*

8 *11478.3. (a) If the Attorney General is of the opinion*
9 *that a support order or support-related order is erroneous*
10 *and presents a question of law warranting an appeal, or*
11 *that an order is sound and should be defended on appeal,*
12 *in the public interest the Attorney General may:*

13 *(1) Perfect or oppose an appeal to the proper*
14 *appellate court if the order was issued by a court of this*
15 *state.*

16 *(2) If the order was issued in another state, cause an*
17 *appeal to be taken or opposed in the other state.*

18 *(b) In either case, expenses of the appeal may be paid*
19 *on order of the Attorney General from funds*
20 *appropriated for the Office of the Attorney General.*

21 *SEC. 47. Section 11478.5 of the Welfare and*
22 *Institutions Code is amended to read:*

23 *11478.5. (a) There is in the Department of Justice the*
24 *California Parent Locator Service and Central Registry*
25 *that shall collect and disseminate all of the following, with*
26 *respect to any parent, putative parent, spouse, or former*
27 *spouse:*

28 *(1) The full and true name of the parent together with*
29 *any known aliases.*

30 *(2) Date and place of birth.*

31 *(3) Physical description.*

32 *(4) Social security number.*

33 *(5) Employment history and earnings.*

34 *(6) Military status and Veterans Administration or*
35 *military service serial number.*

36 *(7) Last known address, telephone number, and date*
37 *thereof.*

38 *(8) Driver's license number, driving record, and*
39 *vehicle registration information.*

1 (9) Criminal, licensing, and applicant records and
2 information.

3 (10) (A) Any additional location, asset, and income
4 information, including income tax return information
5 obtained pursuant to Section 19285.1 of the Revenue and
6 Taxation Code, and the address, telephone number, and
7 social security information obtained from a public utility
8 , cable television corporation, a provider of electronic
9 digital pager communication, or a provider of cellular
10 telephone services that may be of assistance in locating
11 the parent, putative parent, abducting, concealing, or
12 detaining parent, spouse, or former spouse, in
13 establishing a parent and child relationship, in enforcing
14 the child support liability of the absent parent, or
15 enforcing the spousal support liability of the spouse or
16 former spouse to the extent required by the state plan
17 pursuant to Section 11475.2.

18 (B) For purposes of this subdivision “income tax
19 return information” means all of the following regarding
20 the taxpayer:

- 21 (i) Assets.
- 22 (ii) Credits.
- 23 (iii) Deductions.
- 24 (iv) Exemptions.
- 25 (v) Identity.
- 26 (vi) Liabilities.
- 27 (vii) Nature, source, and amount of income.
- 28 (viii) Net worth.
- 29 (ix) Payments.
- 30 (x) Receipts.
- 31 (xi) Address.
- 32 (xii) Social security number.

33 (b) To effectuate the purposes of this section, the
34 Statewide Automated Child Support System, or its
35 replacement, the California Parent Locator Service and
36 Central Registry, and the Franchise Tax Board shall
37 utilize the federal Parent Locator Service to the extent
38 necessary, and may request and shall receive from all
39 departments, boards, bureaus, or other agencies of the
40 state, or any of its political subdivisions, and those entities

1 shall provide, that assistance and data that will enable the
2 State Department of Social Services, the Department of
3 Justice, and other public agencies to carry out their
4 powers and duties to locate parents, spouses, and former
5 spouses, and to identify their assets, to establish
6 parent-child relationships, and to enforce liability for
7 child or spousal support, and for any other obligations
8 incurred on behalf of children, and shall also provide that
9 information to any district attorney in fulfilling the duties
10 prescribed in Section 270 of the Penal Code, and in
11 Chapter 8 (commencing with Section 3130) of Part 2 of
12 Division 8 of the Family Code, relating to abducted,
13 concealed, or detained children. The State Department
14 of Social Services' Statewide Automated Child Support
15 System, or its replacement, shall be entitled to the same
16 cooperation and information as the California Parent
17 Locator Service, to the extent allowed by law. The
18 Statewide Automated Child Support System, or its
19 replacement, shall be allowed access to criminal record
20 information only to the extent that access is allowed by
21 state and federal law.

22 (c) (1) To effectuate the purposes of this section, and
23 notwithstanding any other provision of California law,
24 regulation, or tariff, and to the extent permitted by
25 federal law, the California Parent Locator Service and
26 Central Registry and the Statewide Automated Child
27 Support System, or its replacement, may request and
28 shall receive from public utilities, as defined in Section
29 216 of the Public Utilities Code, customer service
30 information, including the full name, address, telephone
31 number, date of birth, employer name and address, and
32 social security number of customers of the public utility
33 , to the extent that this information is stored within the
34 computer data base of the public utility .

35 (2) To effectuate the purposes of this section, and
36 notwithstanding any other provision of California law,
37 regulation, or tariff, and to the extent permitted by
38 federal law, the California Parent Locator Service and
39 Central Registry and the Statewide Automated Child
40 Support System, or its replacement, shall request and



1 shall receive from cable television corporations, as
2 defined in Section 215.5 of the Public Utilities Code, the
3 providers of electronic digital pager communication, as
4 defined in Section 629.51 of the Penal Code, and the
5 providers of cellular telephone services, as defined in
6 Section 17538.9 of the Business and Professions Code,
7 customer service information, including the full name,
8 address, telephone number, date of birth, employer name
9 and address, and social security number of customers of
10 the cable television corporation, customers of the
11 providers of electronic digital pager communication, and
12 customers of the providers of cellular telephone services.

13 (3) In order to protect the privacy of utility, cable
14 television, electronic digital pager communication, and
15 cellular telephone customers, a request to a public utility,
16 cable television corporation, provider of electronic digital
17 pager communication, or provider of cellular telephone
18 services for customer service information pursuant to this
19 section shall meet the following requirements:

20 (A) Be submitted to the public utility, cable television
21 corporation, provider of electronic digital pager
22 communication, or provider of cellular telephone
23 services in writing, on a transmittal document prepared
24 by the California Parent Locator Service and Central
25 Registry or the Statewide Automated Child Support
26 System, or its replacement, and approved by all of the
27 public utilities, cable television corporations, providers of
28 electronic digital pager communication, and providers of
29 cellular telephone services. The transmittal shall be
30 deemed to be an administrative subpoena for customer
31 service information.

32 (B) Have the signature of a representative authorized
33 by the California Parent Locator Service and Central
34 Registry or the Statewide Automated Child Support
35 System, or its replacement.

36 (C) Contain at least three of the following data
37 elements regarding the person sought:

- 38 (i) First and last name, and middle initial, if known.
39 (ii) Social security number.
40 (iii) Driver's license number.

1 (iv) Birth date.

2 (v) Last known address.

3 (vi) Spouse's name.

4 (D) The California Parent Locator Service and
5 Central Registry and the Statewide Automated Child
6 Support System, or its replacement, shall ensure that each
7 public utility , cable television corporation, provider of
8 electronic digital pager communication services, and
9 provider of cellular telephone services has at all times a
10 current list of the names of persons authorized to request
11 customer service information.

12 (E) The California Statewide Automated Child
13 Support System, or its replacement, and the California
14 Parent Locator Service and Central Registry shall ensure
15 that customer service information supplied by a public
16 utility, cable television corporation, provider of
17 electronic digital pager communication, or provider of
18 cellular telephone services is applicable to the person
19 who is being sought before releasing the information
20 pursuant to subdivision (d).

21 (4) The public utility , cable television corporation,
22 electronic digital pager communication provider, or
23 cellular telephone service provider may charge a fee to
24 the California Parent Locator Service and Central
25 Registry or the Statewide Automated Child Support
26 System, or its replacement, for each search performed
27 pursuant to this subdivision to cover the actual costs to the
28 public utility, cable television corporation, electronic
29 digital pager communication provider, or cellular
30 telephone service provider for providing this
31 information.

32 (5) No public utility, cable television corporation,
33 electronic digital pager communication provider, or
34 cellular telephone service provider, or official or
35 employee thereof, shall be subject to criminal or civil
36 liability for the release of customer service information as
37 authorized or required by this subdivision.

38 (d) Notwithstanding Section 14202 of the Penal Code,
39 any records established pursuant to this section shall be
40 disseminated only to the Department of Justice, the

1 Statewide Automated Child Support System or its
2 replacement, the California Parent Locator Service and
3 Central Registry, the parent locator services and central
4 registries of other states as defined by federal statutes and
5 regulations, a district attorney of any county in this state,
6 the federal Parent Locator Service, and official child
7 support enforcement agencies. The State Department of
8 Social Services' Statewide Automated Child Support
9 Enforcement System, or its replacement, shall be allowed
10 access to criminal offender record information only to the
11 extent that access is allowed by law.

12 (e) (1) At no time shall any information received by
13 the California Parent Locator Service and Central
14 Registry or by the Statewide Automated Child Support
15 System, or its replacement, be disclosed to any person,
16 agency, or other entity, other than those persons,
17 agencies, and entities specified pursuant to Section 11478,
18 this section, or any other provision of law.

19 (2) This subdivision shall not otherwise affect
20 discovery between parties in any action to establish,
21 modify, or enforce child, family, or spousal support, that
22 relates to custody or visitation.

23 (f) (1) The Department of Justice, in consultation
24 with the State Department of Social Services, shall
25 promulgate rules and regulations to facilitate maximum
26 and efficient use of the California Parent Locator Service
27 and Central Registry.

28 (2) ~~The State Department of Social Services Attorney~~
29 *General*, the Public Utilities Commission, the cable
30 television corporations, providers of electronic digital
31 pager communication, and the providers of cellular
32 telephone services shall develop procedures for obtaining
33 the information described in subdivision (c) from public
34 utilities, cable television corporations, providers of
35 electronic digital pager communication, and providers of
36 cellular telephone services, and for compensating the
37 public utilities, cable television corporations, providers of
38 electronic digital pager communication, and providers of
39 cellular telephone services for providing that
40 information.

(g) The California Parent Locator Service and Central Registry may charge a fee not to exceed eighteen dollars (\$18) for any service it provides pursuant to this section that is not performed or funded pursuant to Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code.

(h) This section shall be construed in a manner consistent with the other provisions of this article.

~~SEC. 12.~~

SEC. 48. Section 11478.51 of the Welfare and Institutions Code is amended to read:

11478.51. (a) The Employment Development Department shall, when requested by the ~~State Department of Social Services~~ Attorney General, district attorney or, the Franchise Tax Board for purposes of administering Article 5 (commencing with Section 19271) of Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation Code, the federal Parent Locator Service, or the California Parent Locator Service, provide access to information collected pursuant to ~~Section 1088.5~~ Division 1 (commencing with Section 100) of the Unemployment Insurance Code to the requesting department or agency for purposes of administering the child support enforcement program, and for purposes of verifying employment of applicants and recipients of aid under this chapter or food stamps under Chapter 10 (commencing with Section 18900) of Part 6.

(b) (1) To the extent possible the Employment Development Department shall share information collected under Section 1088.5 of the Unemployment Insurance Code immediately upon receipt. This sharing of information may include electronic means.

(2) This subdivision shall not authorize the Employment Development Department to share confidential information with any individuals not otherwise permitted by law to receive the information or preclude batch runs or comparisons of data.

SEC. 49. Section 11478.52 is added to the Welfare and Institutions Code, to read:

1 11478.52. Once the statewide automated system is
2 fully implemented, the Attorney General will
3 periodically compare Employment Development
4 Department information collected under Division 1
5 (commencing with Section 100) of the Unemployment
6 Insurance Code, to child support obligor records and
7 identify cases where the obligor is employed but there is
8 no earning withholding order in effect. The Attorney
9 General shall immediately notify district attorneys in
10 those cases.

11 SEC. 50. Section 11478.53 is added to the Welfare and
12 Institutions Code, to read:

13 11478.53. (a) The Legislature finds and declares that
14 currently, when Title IV-D participants move from
15 county to county, court orders must be registered in the
16 county where the children reside in order to effectuate
17 a change in the underlying order. This requirement
18 causes delay and lack of continuity of services. Federal
19 law requires statewide jurisdiction of court orders for
20 support. A statewide process for resolving actions where
21 the participants reside in multiple counties would reduce
22 fragmentation of services, increase access to the process,
23 and minimize delays in changing orders.

24 (b) By April 1, 2000, the Attorney General shall
25 convene a taskforce comprised of representatives from
26 the Administrative Office of the Court, the State Bar,
27 three members of the State Senate (or their designees)
28 appointed by the State Senate Rules Committee, three
29 members of the State Assembly (or their designees)
30 appointed by the Speaker of the State Assembly,
31 nonprofit advocates representing children, custodial
32 parents, and noncustodial parents, and the California
33 District Attorneys Association. Taskforce members shall
34 serve without pay or per diem. The taskforce shall
35 analyze the feasibility of:

36 (1) Statewide jurisdiction of orders.

37 (2) A statewide hearing process.

38 (3) A process for venue determination and transfer.

1 (4) Accessibility through electronic process including,
2 but not limited to, appearances by telephonic and video
3 conferencing or a court convenient to the parties.

4 (5) A statewide electronic document image registry of
5 all child support orders.

6 (c) The taskforce shall prepare, and the Attorney
7 General shall make recommendations to the Legislature
8 by April 1, 2002.

9 SEC. 51. Section 11478.6 of the Welfare and
10 Institutions Code is amended to read:

11 11478.6. To assist local agencies in child support
12 enforcement activities, the ~~department~~ Attorney
13 General shall operate a workers' compensation
14 notification project based on information received
15 pursuant to Section 138.5 of the Labor Code or any other
16 source of information.

17 SEC. 52. Section 11479.5 of the Welfare and
18 Institutions Code is amended to read:

19 11479.5. The ~~department~~ Attorney General shall
20 develop and implement regulations establishing basic
21 family support enforcement program components and
22 priorities. The regulations shall include methods for
23 measuring performance of these activities.

24 The ~~department~~ Attorney General shall report to the
25 Legislature no later than January 1, 1985, by providing a
26 summary of its activities in establishing the regulations
27 required pursuant to this section. This report shall also
28 contain at least three options for the Legislature to
29 consider in order to link the state's family support
30 enforcement incentive payment system to performance
31 measures adopted by regulation. These options shall
32 include rewards as well as sanctions for program
33 performance in the reimbursement methods for family
34 support enforcement incentive payments.

35 SEC. 53. Section 11479.7 of the Welfare and
36 Institutions Code is amended to read:

37 11479.7. (a) The Legislature finds and declares as
38 follows:

39 (1) Some noncustodial parents, typically fathers,
40 whose children are receiving assistance under the ~~Aid to~~

1 ~~Families with Dependent Children (AFDC)~~ *CalWORKs*
2 program are unemployed and in arrears on court-ordered
3 child support.

4 (2) Under prior law, noncustodial parents were not
5 required to participate in education or job training
6 programs.

7 (3) Under prior law, most custodial parents receiving
8 assistance under the Aid to Families with Dependent
9 Children-Family Group (AFDC-FG) program, typically
10 mothers, were required to participate in education and
11 job training programs, such as the Greater Avenues for
12 Independence program (GAIN).

13 (4) Due to the mutual responsibility of parents to
14 provide support for their children, it is only equitable to
15 encourage unemployed noncustodial parents to pursue
16 job training programs to enable them to meet their
17 obligation to support their children.

18 (5) It is the intent of the Legislature to establish a pilot
19 program to enroll unemployed noncustodial parents in
20 job training programs.

21 (b) ~~The State Department of Social Services Attorney~~
22 *General* on or before July 1, 1993, shall develop a plan for
23 the operation of pilot programs in at least three counties
24 in which the noncustodial unemployed parent will be
25 encouraged to enter job training programs.

26 (c) The pilot projects shall be developed in
27 consultation with the county's superior court, the
28 county's district attorney family support division, the
29 local private industry council, and the local office of the
30 Employment Development Department.

31 (d) ~~The State Department of Social Services Attorney~~
32 *General*, with consultation from the Employment
33 Development Department, shall develop policies which
34 define satisfactory progress toward completion of the job
35 training program and shall establish time frames for
36 completion of the job training to be followed by a good
37 faith job search.

38 (e) The job training pilot project may be utilized in
39 cases where there is no order for support or where the
40 order is that support be deferred or the amount of the

order for support is zero or where the child support order is very low due to unemployment of the noncustodial parent. Obligor deemed to be making unsatisfactory progress will be deregistered from the program.

(f) The pilot project shall terminate on December 31, 1996. The pilot project shall be evaluated to determine if job training has been effective in enabling child support obligors to obtain jobs so they are able to provide support for their children. The determination of the evaluator of the pilot project shall be contained in the plan specified pursuant to subdivision (b). The effectiveness of the pilot project shall be evaluated based on the number of program participants who obtain employment and begin making child support payments within three months of completing the program.

SEC. 54. Section 11481.5 of the Welfare and Institutions Code is amended to read:

11481.5. The ~~department~~ Attorney General shall evaluate the effectiveness of a 24-hour welfare fraud hotline pilot project, to assess greater public involvement and assistance in welfare fraud detection.

SEC. 55. Section 11486 of the Welfare and Institutions Code is amended to read:

11486. (a) The needs of any individual who is a member of a family applying for, or receiving, aid under this chapter shall not be taken into account in making the determination under Section 11450 with respect to his or her family beginning on the date, or at any time thereafter, the individual is found in state or federal court or pursuant to an administrative hearing decision, including any determination made on the basis of a plea of guilty or nolo contendere, to have committed any of the following acts:

(1) Making a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states or counties.

(2) Submitting documents for nonexistent children, or submitting false documents for the purpose of showing ineligible children to be eligible for aid.

(3) When there has been a receipt of cash benefits that exceeds ten thousand dollars (\$10,000) as a result of intentionally and willfully doing any of the following acts for the purpose of establishing or maintaining the family's eligibility for aid or increasing or preventing a reduction in the amount of aid:

(A) Making a false or misleading statement or misrepresenting, concealing, or withholding facts.

(B) Committing any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity.

(b) The needs of any individual who is a member of a family applying for, or receiving, aid under this chapter shall not be taken into account in making the determination under Section 11450 with respect to his or her family for the following periods beginning on the date or any time thereafter the individual is convicted of a felony in state or federal court, including any determination made on the basis of a plea of guilty or nolo contendere, for committing fraud in the receipt or attempted receipt of aid:

(1) For two years, if the amount of aid is less than two thousand dollars (\$2,000).

(2) For five years, if the amount of aid is two thousand dollars (\$2,000) or more but is less than five thousand dollars (\$5,000).

(3) Permanently, if the amount of aid is five thousand dollars (\$5,000) or more.

(c) (1) Except as provided in subdivisions (a) and (b), the needs of any individual who is a member of a family applying for, or receiving, aid under this chapter to whom paragraph (2) applies shall not be taken into account in making the determination under Section 11450 with respect to his or her family for the following periods:

(A) For a period of six months upon the first occasion of any offense referred to in paragraph (2).

(B) For a period of 12 months upon the second occasion of any of those offenses referred to in paragraph (2).

1 (C) Permanently, upon the third occasion of any
2 offense referred to in subdivision (b) and paragraph (2).

3 (2) Except as provided in subdivisions (a), (b) and
4 (d), paragraph (1) shall apply to any individual who is
5 found by a federal or state court, or pursuant to a special
6 administrative hearing meeting the requirements of
7 regulations adopted by the United States Secretary of
8 Health and Human Services, including any
9 determination made on the basis of a plea of guilty or nolo
10 contendere, to have done any of the following acts for the
11 purpose of establishing or maintaining the family's
12 eligibility for aid or increasing, or preventing a reduction
13 in, the amount of that aid:

14 (A) Making a false or misleading statement or
15 misrepresenting, concealing, or withholding facts.

16 (B) Committing any act intended to mislead,
17 misrepresent, conceal, or withhold facts or propound a
18 falsity.

19 (d) (1) Except as provided in subdivisions (a) and
20 (b), and notwithstanding subdivision (c), the needs of
21 any individual who is a member of a family applying for,
22 or receiving, aid under this chapter to whom paragraph
23 (2) applies shall not be taken into account in making the
24 determination under Section 11450 with respect to his or
25 her family for the following periods:

26 (A) For a period of two years upon the first occasion
27 of any offense referred to in paragraph (2).

28 (B) For a period of four years upon the second
29 occasion of any offense referred to in paragraph (2).

30 (C) Permanently, upon the third occasion of any
31 offense referred to in subdivision (b) and paragraph (2).

32 (2) Paragraph (1) shall apply to any individual who is
33 found by a federal or state court, or pursuant to a special
34 administrative hearing meeting the requirements of
35 regulations adopted by the United States Secretary of
36 Health and Human Services, including any
37 determination made on the basis of a plea of guilty or nolo
38 contendere, to have submitted more than one application
39 for the same type of aid for the same period of time, for
40 the purpose of receiving more than one grant of aid in

1 order to establish or maintain the family's eligibility for
2 aid or increasing, or preventing a reduction in, the
3 amount of that aid.

4 (e) Proceedings against any individual alleged to have
5 committed an offense described in subdivision (c) or (d)
6 may be held either by hearing, pursuant to Section 10950
7 and in conformity with the regulations of the United
8 States Secretary of Health and Human Services, if
9 appropriate, or by referring the matter to the appropriate
10 authorities for civil or criminal action in court.

11 (f) The ~~department~~ *Attorney General* shall coordinate
12 any action taken under this section with any
13 corresponding actions being taken under the Food Stamp
14 Program in any case where the factual issues involved
15 arise from the same or related circumstances.

16 (g) Any period for which sanctions are imposed under
17 this section shall remain in effect, without possibility of
18 administrative stay, unless and until the findings upon
19 which the sanctions were imposed are subsequently
20 reversed by a court of appropriate jurisdiction, but in no
21 event shall the duration of the period for which the
22 sanctions are imposed be subject to review.

23 (h) Sanctions imposed under this section shall be in
24 addition to, and not in substitution for, any other sanctions
25 which may be provided for by law with respect to the
26 offenses for which the sanctions are imposed.

27 (i) The ~~department~~ *Attorney General* shall adopt
28 regulations to ensure that any investigations made under
29 this chapter are conducted throughout the state in such
30 a manner as to protect the confidentiality of the current
31 or former working recipient.

32 (j) Each county shall receive 25 percent of the actual
33 state share of savings, including federal funds under the
34 Temporary Assistance to Needy Families Block Grant, as
35 determined by the director of the Department of
36 Finance resulting from the detection of fraud.

37 *SEC. 56. Section 11487.5 of the Welfare and*
38 *Institutions Code is amended to read:*

39 11487.5. (a) Notwithstanding any other provision of
40 law, including Sections 11487 and 15204.5, the

~~department~~ Attorney General shall implement a program in any participating county whereby the county shall be reimbursed for overpayment recoveries under Section 11004 as follows:

(1) Reimbursement shall be made to a participating county based on a plan of operations for a program of overpayment recoveries that is approved by the ~~department~~ Attorney General. No operating plan shall be approved by the ~~department~~ Attorney General unless the plan contains assurances that the participating county will maintain a centralized unit or designate a person or persons to perform the overpayment recovery activities.

(2) Reimbursement shall be made for all allowable administrative costs incurred, as defined by the ~~department~~ Attorney General, to make a recovery of overpayments under Section 11004, not to exceed the state's share of the overpayments recovered by the county.

(b) For purposes of this section, "participating county" means any county in which the welfare director applies to the ~~department~~ Attorney General for participation in the program prescribed by this section.

(c) On or before January 30, 1997, the ~~department~~ Attorney General shall report to the appropriate committees of the Legislature on the implementation of this section.

(d) This section shall be implemented when both of the following have occurred:

(1) The federal government has made funding available for the activities described in this section.

(2) The Department of Finance has examined the annual projection of costs and savings for these activities certified by the director, and has determined that during each fiscal year in which the director proposes to implement these provisions the savings to the General Fund from increased overpayment recoveries equals or exceeds the additional costs to the state.

SEC. 57. Section 11492.1 of the Welfare and Institutions Code is amended to read:

1 11492.1. The county district attorney shall receive
2 reimbursement from the State Department of Health
3 Services for the administrative costs for properly
4 completing a state medical insurance form which
5 identifies private health care coverage of a responsible
6 parent for dependent children only in those cases where
7 the district attorney does not receive this reimbursement
8 from the ~~State Department of Social Services Attorney~~
9 *General*. The administrative costs for properly
10 completing the state medical insurance form shall be
11 determined by the State Department of Health Services.

12 SEC. 58. Chapter 7.1 (commencing with Section
13 11495) is added to Division 9 of the Welfare and
14 Institutions Code, to read:

15
16 CHAPTER 7.1. CHILD SUPPORT PROGRAM ACCOUNTABILITY
17 ACT OF 1999
18

19 Article 1. Legislative Findings and Intent
20

21 11495. This chapter shall be known and may be cited
22 as the Child Support Program Accountability Act of 1999.

23 11495.1. The Legislature finds and declares all of the
24 following:

25 (a) The purpose of the California Child Support
26 Enforcement Program is to establish paternity for
27 children born out of wedlock and ensure that children are
28 supported by both parents to the best of their abilities.

29 (b) Children rely on support from both parents to
30 meet their basic needs and living expenses, including
31 food, shelter, and clothing. Children who are properly
32 supported by their parents perform better academically
33 and are less likely to depend on public resources for
34 support.

35 (c) California has some of the strongest and best child
36 support enforcement tools in the nation.

37 (d) California's child support program performs
38 below the national average, and is not providing the level
39 of service needed by California's children.

1 (e) Effective state oversight and management require
2 accurate measures of program performance,
3 accountability for poor performance, and strong
4 remedial action when a program is poorly performing.

5 (f) It is in the best of the people and the future of this
6 state that the child support program achieves the highest
7 level of performance, ensuring that each child in
8 California receives optimal child support enforcement
9 services.

10 (g) California is in need of an immediate and
11 comprehensive system to hold each county child support
12 program accountable for the progress and achievements
13 of its child support program within the resources
14 available to county.

15 (h) Any promising and effective accountability system
16 must be based upon a constructive and collaborative
17 process that seeks to include stakeholders in the process.

18 (i) The statewide accountability system must be easily
19 accessible and understandable to parents and the public.

20 (j) The statewide accountability system must include
21 rewards that recognize high achieving counties as well as
22 interventions and, ultimately, sanctions for counties that
23 are continuously low performing.

24 (k) It is also the intent of the Legislature that the
25 comprehensive and effective child support program
26 accountability system primarily focus on increasing child
27 support collections for children.

28 (l) To achieve better performance, it is the intent of
29 the Legislature that any child support program
30 accountability system do all of the following:

31 (1) Encourage the involvement of the county and its
32 stakeholders in the accountability system.

33 (2) Encourage local county involvement in
34 identifying causes of low performance and designing
35 programs for remediation.

36 (3) Approach accountability with an attitude of
37 collaboration, encouragement, and correction.

38

Article 2. *Child Support Program Performance
Accountability Program*

11496. *The Child Support Program Performance
Accountability Program is hereby established and shall
consist of the following three component parts:*

(a) *The state Child Support Program Performance
Index, to be known as the CSPPI.*

(b) *The Immediate Intervention/Underperforming
Child Support Enforcement Program.*

(c) *The Attorney General's High
Achieving/Improving Child Support Enforcement
Program.*

11496.1. *For purposes of this chapter, the term
"counties" refers to local district attorney operated child
support programs.*

11496.2. (a) *By July 1, 2000, the Attorney General
shall develop a Child Support Program Performance
Index, to be used to measure performance of counties. If
the Attorney General determines that accurate data for
measuring performance is not available, the Attorney
General shall report to the Legislature by September 1,
2000, and recommend necessary action to implement an
accurate reporting system.*

(b) *Based on the CSPPI, the Attorney General shall
develop and adopt expected annual percentage growth
targets for all counties based on their CSPPI baseline
score as measured in July 2000. Counties are expected to
meet these growth targets through effective allocation of
available resources. The Attorney General may set
differential growth targets and may set higher growth
targets for the lowest performing counties because they
have the greatest room for improvement.*

(c) *Upon adoption of state performance standards, the
Attorney General shall adopt a statewide CSPPI
performance target that includes consideration of
performance standards. When fully developed, counties
may either meet the state target or meet their growth
targets to be eligible for the Attorney General's
Performance Award Program as set forth in Section
11498.*

(d) Beginning in July 2001, the CSPPI shall be used for both of the following:

(1) Measure the progress of counties selected for participation in the Immediate Intervention/Underperforming Child Support Enforcement Program pursuant to Section 11497.

(2) Rank all counties in the state for the purpose of the High Achieving/Improving Child Support Enforcement Program pursuant to Section 11498.

11496.3. The Attorney General shall establish a broadly representative and diverse advisory committee to advise the Attorney General on all appropriate matters relative to the creation of the Child Support Program Performance Index and the implementation of the Immediate Intervention/Underperforming Child Support Enforcement Program and the Attorney General's High Achieving/Improving Child Support Program. Members of the advisory committee shall serve without compensation for a single term not to exceed two years.

Article 3. Immediate Intervention/Under Performing
and Low Performing Child Support Enforcement
Program

11497. (a) The Immediate Intervention/Under Performing and Low Performing Child Support Enforcement Program is hereby established. By August 15, 2001, the counties that score in the bottom quartile of the state using the CSPPI shall participate in the Immediate Intervention/Underperforming Child Support Enforcement Program. A county required to participate may take any action not otherwise prohibited under state or federal law and that would not require reimbursement by the Commission on State Mandates to improve its performance under the CSPPI.

(b) Counties required to participate in the program shall be notified by the Attorney General no later than September 1 of each year.

1 11497.1. The Attorney General shall create an
2 Immediate Intervention Team of child support experts
3 who can be temporarily dispatched to a county to assist
4 in improving the local child support agency's
5 performance and procedures. The team members may
6 consist of the staff of the Attorney General, county
7 management personnel employed by counties ranking in
8 the top quartile by the CSPPI, and external evaluators.
9 Any county may request the Attorney General to provide
10 assistance from an Immediate Intervention Team at any
11 time. The Attorney General shall send the Immediate
12 Intervention Team to any local child support agency to
13 help improve program performance and operations if the
14 county CSPPI is in the bottom quartile of the state and the
15 county has failed to meet either the state CSPPI target or
16 the county CSPPI growth target established by the
17 Attorney General. The Attorney General shall report to
18 the Legislature to identify areas in which the Attorney
19 General can provide needed technical assistance and,
20 shall identify what resources are necessary to assist the
21 county in improving its performance.

22 11497.2. (a) By December 15 of the year that the
23 county is selected to participate, the Immediate
24 Intervention Team shall complete a review of the county
25 that identifies weaknesses that contribute to the county's
26 below average performance and makes
27 recommendations for improvement.

28 (b) By March 15 of the year that follows the year the
29 county is selected to participate, the county shall develop
30 an action plan to improve its child support program
31 performance, using, to the extent resources are available,
32 the recommendations of the Immediate Intervention
33 Team. The action plan shall include percentage growth
34 targets at least as high as the annual growth targets
35 adopted by the Attorney General. The action plan shall
36 include an expenditure plan and shall be of a scope that
37 does not require expenditure of funds in excess of those
38 provided pursuant to this article or otherwise available to
39 the county. The action plan may not be of a scope that

1 requires reimbursement by the Commission on State
2 Mandates for its implementation.

3 (c) At a minimum, the action plan shall do all of the
4 following:

5 (1) Review the conditions identified in the CSPPI
6 report card pursuant to Section 11496.2.

7 (2) Identify the current barriers in the county for
8 improving the child support program.

9 (3) Identify strategies to remove these barriers.

10 (4) Set short-term objectives for a two-year period that
11 will allow the county to make adequate progress toward
12 the growth targets established by the Attorney General.

13 (d) The Immediate Intervention Team, in the
14 development of its recommendations, shall consult with
15 the exclusive representatives of employee organizations,
16 where they exist.

17 (e) Any county may apply to the Attorney General for
18 a grant of State Investment Funds if the county lacks
19 resources to implement the recommendations of the
20 Immediate Intervention Team. The county need not
21 repay State Investment Funds authorized for
22 expenditure in this manner.

23 11497.3. (a) If after 24 months of intervention by the
24 Immediate Intervention Team a county that has not met
25 its performance goals, but demonstrates significant
26 progress toward meeting target goals, as determined by
27 the Attorney General, shall continue to participate in the
28 program for an additional year. If after that year, the
29 county is able to meet performance goals, the Immediate
30 Intervention Team shall suspend its efforts. If after that
31 additional year, the county demonstrates significant
32 growth, but is unable to meet performance goals, the
33 Attorney General may continue intervention or exercise
34 his or her authority under subdivision (b).

35 (b) A county that does not meet its performance goals
36 within 24 months of intervention by the Immediate
37 Intervention Team and has failed to show significant
38 growth, as determined by the Attorney General, shall be
39 deemed a low-performing county. Notwithstanding any
40 other provision of law, the Attorney General shall assume

1 all the legal rights, duties, and powers of the district
2 attorney relative to the Title IV-D of the federal Social
3 Security Act (42 U.S.C. Sec. 651 et seq.) program of a
4 low-performing county.

5 (c) If, within 24 months of the Attorney General
6 exercising authority under subdivision (b), the program
7 has shown significant growth and is able to meet
8 performance goals, the district attorney's legal rights,
9 duties, and powers relative to the Title IV-D of the federal
10 Social Security Act (42 U.S.C. Sec. 651 et seq.) program
11 shall be reinstated.

12 (d) If within 24 months of the Attorney General
13 exercising authority under subdivision (b), the program
14 has not shown significant growth and is unable to meet
15 performance goals, the Attorney General shall continue
16 to maintain legal rights, duties, and powers of the Title
17 IV-D of the federal Social Security Act (42 U.S.C. Sec. 651
18 et seq.) program.

19 (e) Before the Attorney General may take any action
20 against a district attorney pursuant to subdivision (b), the
21 Attorney General or designee shall make the following
22 findings:

23 (1) A finding that the district attorney had the
24 authority to take specific enumerated actions that would
25 have helped the county meet its performance goals.

26 (2) A finding that the district attorney failed to take
27 specific enumerated actions pursuant to paragraph (1).

28 (f) An action taken pursuant to this section shall not
29 increase local costs or require reimbursement by the
30 Commission on State Mandates.

31 (g) An action taken pursuant to this section shall be
32 accompanied by specific findings by the Attorney
33 General that the action is directly related to the identified
34 causes for continued failure by a county to meet its
35 performance goals.

36

37 Article 4. The Attorney General's High
38 Achieving/Improving Child Support Enforcement

Program

11498. The Attorney General's High Achieving/Improving Child Support Enforcement Program is hereby established. Commencing in June 2000, and every June thereafter, the Attorney General shall rank all counties based on the Child Support Program Performance Index established pursuant to Section 11496.2. Commencing in July 2002, the rankings shall indicate the target annual growth rates of counties and the actual growth rates attained by the counties, and how growth rates compare to counties that have similar characteristics. The Attorney General shall annually publish these rankings on the Internet.

11498.1. (a) The Attorney General shall establish an Attorney General's Performance Award Program to provide monetary and nonmonetary awards to counties that meet or exceed CSPPI performance growth targets established pursuant to Section 11496.2.

(b) All counties, including counties participating in the Immediate Intervention/Underperforming Child Support Enforcement Program are eligible to participate in the Attorney General's Performance Award Program. The manner and form in which the monetary and nonmonetary awards are given shall be established by the Attorney General, subject to appropriation by the Legislature.

(c) In addition to, or in substitution of, monetary awards the Attorney General may establish, nonmonetary awards that may include, but are not limited to, classification as a distinguished county, listing on a published public child support program honor roll, and public commendations by the Attorney General and the Legislature.

11498.2. By September 1, 2002, the Attorney General shall contract with an independent evaluator to prepare a comprehensive evaluation of the implementation, impact, costs, and benefits of the Immediate Intervention/Underperforming Child Support Enforcement Program and the Attorney General's High

1 *Achieving/Improving Child Support Enforcement*
2 *Program. The preliminary results of the evaluation shall*
3 *be disseminated to the Legislature, the Attorney General,*
4 *and interested parties no later than March 31, 2003, with*
5 *a final report no later than June 30, 2004. The final report*
6 *shall include recommendations for necessary or desirable*
7 *modifications to the programs established pursuant to this*
8 *chapter.*

9 SEC. 59. It is the intent of the Legislature to increase
10 funding to the courts for family law facilitators.

11 ~~SEC. 13.—~~

12 SEC. 60. Notwithstanding Section 17610 of the
13 Government Code, if the Commission on State Mandates
14 determines that this act contains costs mandated by the
15 state, reimbursement to local agencies and school
16 districts for those costs shall be made pursuant to Part 7
17 (commencing with Section 17500) of Division 4 of Title
18 2 of the Government Code. If the statewide cost of the
19 claim for reimbursement does not exceed one million
20 dollars (\$1,000,000), reimbursement shall be made from
21 the State Mandates Claims Fund.

